



***ROANOKE CITY COUNCIL  
REGULAR SESSION***

***APRIL 21, 2003  
2:00 P.M.***

***CITY COUNCIL CHAMBER***

***AGENDA***

**1. Call to Order--Roll Call.**

The Invocation will be delivered by The Reverend Rod Barnett, Coordinator, Counseling and Follow-up, Billy Graham Evangelistic Association.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

**NOTICE:**

Meetings of Roanoke City Council are televised live on RVTN Channel 3. Today's meeting will be replayed on Channel 3 on Wednesday, April 23, 2003, at 7:00 p.m., and Sunday, April 27, 2003, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

## **ANNOUNCEMENTS:**

**THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.**

**THE CITY CLERK'S OFFICE NOW PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT [WWW.ROANOKEGOV.COM](http://WWW.ROANOKEGOV.COM), CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.**

**ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.**

**ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT [WWW.ROANOKEGOV.COM](http://WWW.ROANOKEGOV.COM) TO OBTAIN AN APPLICATION.**

**2. PRESENTATIONS AND ACKNOWLEDGMENTS:  
NONE.**

**3. CONSENT AGENDA**

**ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.**

- C-1 Minutes of the joint meeting of Council and the Roanoke County Board of Supervisors held on Thursday, February 27, 2003; and the regular meeting of Council held on Monday, March 3, 2003, and recessed until Friday, March 7, 2003.

P 11;  
P 16

RECOMMENDED ACTION: Dispense with the reading thereof and approve as recorded.

- C-2 A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

P 66

RECOMMENDED ACTION: Concur in the request.

- C-3 A communication from Marion Vaughn-Howard, Program Manager, Office on Youth, advising of the resignation of Thomas Winn as a member of the Youth Services Citizen Board.

P 67

RECOMMENDED ACTION: Accept the resignation and receive and file the communication.

- C-4            A report of qualification of Jim Hale as a member of the Parks and Recreation Advisory Board, for a term ending March 31, 2006.

RECOMMENDED ACTION: Receive and file.

## **REGULAR AGENDA**

### **4. PUBLIC HEARINGS: NONE.**

### **5. PETITIONS AND COMMUNICATIONS:**

- a.    A communication from the Roanoke Valley Cable Television Committee transmitting the Roanoke Valley Cable Television annual budget for fiscal year 2003-04. Alfred T. Dowe, Jr., City Council Representative to the Roanoke Valley Regional Cable Television Committee. P 68;  
R 82
- b.    A petition from Steven S. Strauss to vacate right-of-way on Franklin Road, S. W., adjoining Official Tax No. 1300101. (Sponsored by Mayor Ralph K. Smith and Council Member Linda F. Wyatt) P 84
- c.    A communication from John R. Hubbard, Chief Executive Officer, Roanoke Valley Resource Authority, transmitting the Annual Budget for Fiscal Year 2003-04. (Sponsored by the City Manager) P 87;  
R 89

### **6. REPORTS OF OFFICERS:**

- a.    CITY MANAGER:

#### **BRIEFINGS:**

- 1.    City of Roanoke Fiscal Year 2003-04 Recommended General Fund Budget. (15 minutes) P 90
- 2.    White Buffalo, Inc. (10 minutes) P 91

3. Urban Forestry. (10 minutes)

P 92

ITEMS RECOMMENDED FOR ACTION:

4. A communication recommending that Special Meetings of Council be held on Thursday, May 1, 2003, at 7:00 p.m., at the Roanoke Civic Center, Exhibit Hall; and Monday, May 12, 2003, at 9:00 a.m., in the City Council Chamber.

P 93;  
R 95

5. A communication recommending acceptance of the donation of a .6 acre parcel of land located at the corner of Shenandoah Avenue and Westside Boulevard, N. W., from the Stevens Farm Trust.

P 97;  
R 99

6. A communication recommending appropriation of funds in connection with the Forfeited Asset Sharing Program.

P 100;  
B/O 102

**7. REPORTS OF COMMITTEES:**

- a. A communication from the Roanoke City School Board requesting appropriation of \$1,558,495.00 in Capital Maintenance and Equipment Replacement Program funds for replacement and/or purchase of school equipment; and a report of the Director of Finance recommending that Council concur in the request. Richard L. Kelley, Assistant Superintendent of Operations, Spokesperson.

P 104;  
B/O 106

**8. UNFINISHED BUSINESS: NONE.**

**9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.**

## **10. MOTIONS AND MISCELLANEOUS BUSINESS:**

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.
- b. Vacancies on certain Council-Appointed authorities, boards, commissions and committees.

## **11. HEARING OF CITIZENS UPON PUBLIC MATTERS:**

**CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.**

## **12. CITY MANAGER COMMENTS:**

**CERTIFICATION OF CLOSED MEETING.**

**THE COUNCIL MEETING WILL BE DECLARED IN RECESS UNTIL 7:00 P.M., IN THE CITY COUNCIL CHAMBER.**



***ROANOKE CITY COUNCIL  
REGULAR SESSION***

***APRIL 21, 2003  
7:00 P.M.***

***CITY COUNCIL CHAMBER***

***AGENDA***

**Call to Order -- Roll Call.**

The Invocation will be delivered by Vice-Mayor C. Nelson Harris.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Smith.

Welcome. Mayor Smith.

**NOTICE:**

The Council meeting will be televised live by RVTv Channel 3 to be replayed on Wednesday, April 23, 2003, at 7:00 p.m., and Sunday, April 27, 2003, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

## **A. PRESENTATIONS AND ACKNOWLEDGEMENTS:**

1. Shining Star Awards. P 108
2. Proclamation declaring the month of May 2003 as Bike Month.

## **B. PUBLIC HEARINGS:**

1. Public hearing regarding appointment of three Trustees to the Roanoke City School Board for three year terms of office, commencing July 1, 2003 and ending June 30, 2006. Candidates are:

Dennis Binns  
F. B. Webster Day  
Tiffany M. Johnson  
Gloria P. Manns  
Kathy G. Stockburger  
David B. Trinkle

2. Public hearing on the request of the YMCA of Roanoke Valley, Inc., that a ten foot wide alley extending in a westerly direction for 110 feet, more or less, from 5th Street, S. W., lying between parcels of land identified as Official Tax Nos. 1113417 - 1113419, inclusive, and 1113422 - 1113425, inclusive, be permanently vacated, discontinued and closed. Daniel F. Layman, Jr., Attorney. P 112;  
O 119
3. Public hearing with regard to a proposed conveyance of City-owned property located at 540 Church Avenue, S. W., identified as Official Tax No. 1113414, to the YMCA of Roanoke Valley, Inc., upon certain terms and conditions. Darlene L. Burcham, City Manager. P 123;  
O 136
4. Public hearing with regard to an amendment to Vision 2001-2020, the City's Comprehensive Plan, to include the Urban Forestry Plan. Darlene L. Burcham, City Manager. P 137;  
O 142

5. Public hearing with regard to a proposed six-month extension of the Cable Television Franchise Agreement with CoxCom, Inc., d/b/a Cox Communications Roanoke. Alfred T. Dowe, Jr., City Representative, Roanoke Valley Regional Cable Television Committee; and Darlene L. Burcham, City Manager. P 144;  
O 146
6. Public hearing with regard to amendment to Section 36.1-690, General authority and procedure, Chapter 36.1, Zoning, Code of the City of Roanoke (1979), as amended, to provide for reconsideration by Council of a petition to rezone pursuant to Rule 10, Section 2-15, Rules of procedure. R. Brian Townsend, Agent, City Planning Commission. P 149;  
O 151
7. Public hearing with regard to a proposal to vacate a sanitary sewer easement across property located on Hidden Oak Road, S. W., identified as Official Tax Nos. 5050220 - 5050222, inclusive, upon request of the property owners, in order to facilitate development of the property. Darlene L. Burcham, City Manager. P 152;  
O 155

## **C. HEARING OF CITIZENS UPON PUBLIC MATTERS:**

**CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.**

**THE COUNCIL MEETING WILL BE DECLARED IN RECESS UNTIL THURSDAY, APRIL 24, 2003, AT 4:30 P.M., IN THE ROANOKE CITY COUNCIL CHAMBER, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., FOR SIX INTERVIEWS FOR APPOINTMENTS TO THE ROANOKE CITY SCHOOL BOARD.**

**MOTION AND CERTIFICATION  
WITH RESPECT TO  
CLOSED MEETING**

**FORM OF MOTION:**

I move, with respect to any Closed Meeting just concluded, that each member of City Council in attendance certify to the best of his or her knowledge that (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by the members of Council in attendance.

**PLEASE NOTE:**

1. The forgoing motion shall be made in open session at the conclusion of each Closed Meeting.
2. Roll call vote included in Council's minutes is required.
3. Any member who believes there was a departure from the requirements of subdivisions (1) and (2) of the motion shall state prior to the vote the substance of the departure that, in his or her judgement, has taken place. The statement shall be recorded in the minutes of City Council.

The City Council meeting reconvened on Thursday, February 27, 2003, at 10:30 a.m., at the Regional Training Center, 1220 Kessler Mill Road, Salem, Virginia, for a joint meeting of the Roanoke City Council and the Roanoke County Board of Supervisors to discuss a regional water and sewer authority, with Mayor Ralph K. Smith and Chairman Joseph P. McNamara presiding.

**ROANOKE CITY COUNCIL MEMBERS PRESENT:** William D. Bestpitch, William H. Carder, M. Rupert Cutler, Alfred T. Dowe, Jr., C. Nelson Harris, Linda F. Wyatt and Mayor Ralph K. Smith-----7.

**ABSENT:** None-----0.

**ROANOKE COUNTY BOARD OF SUPERVISORS PRESENT:** Richard Flora, Joseph B. Church, Michael W. Altizer and Chairman Joseph P. McNamara-----4.

**ABSENT:** Board Member H. Odell Minnix-----1.

**OTHERS PRESENT:** Representing the City of Roanoke: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; Stephanie M. Moon, Deputy City Clerk; Chris L. Slone, Public Information Officer; Michael T. McEvoy, Director of Utilities; and representing Roanoke County: Elmer C. Hodge, County Administrator; Paul M. Mahoney, County Attorney; Daniel R. O'Donnell, Assistant County Administrator; Diane D. Hyatt, Chief Finance Director; Gary L. Robertson, Director of Utilities; and Diane S. Childers, Clerk to the Roanoke County Board of Supervisors.

Chairman McNamara and Mayor Smith expressed appreciation to everyone for their attendance.

The invocation was delivered by Council Member C. Nelson Harris.

**WATER-SEWERS AND STORM DRAINS:** Gary Robertson, Utility Director, County of Roanoke, advised that it is not a coincidence that the Regional Training Center was chosen for the meeting, i.e., the regional accomplishments made by fire and rescue, whether it be the training center, the radio system or joint staffing of the Clearbrook fire station are projects that the localities would like to build on; and for 30 years there have been discussions regarding a water authority or regional cooperation on a water supply for the Roanoke Valley. He further advised that early last year, Roanoke City and Roanoke County staff were directed to pursue possibilities of an authority; meetings that began with anxiety and trepidation ended

with excitement and expectations; many different scenarios were reviewed; a contract amendment between the City and the County was considered, with various options of a wholesale authority that would combine water sources, but keep distribution systems separate and a full service authority that would combine not only sources, but also transmission, distribution and administration; and discussions regarding a water authority should also include wastewater.

He expressed appreciation for an opportunity to join with the Roanoke City Director of Utilities to recommend that the City of Roanoke and the County of Roanoke form a full service water and wastewater authority, based upon the following three principles:

equal representation between the City and the County on the Authority,  
pool assets of both the City and the County, and  
equalize the rates between the City and the County.

Mr. Robertson expressed appreciation to both City Council and to the Board of Supervisors for their support over the past few months and the following staff who worked diligently throughout the process: Elmer C. Hodge, Darlene L. Burcham, William M. Hackworth, Paul M. Mahoney, Jesse A. Hall, Diane D. Hyatt, Chris L. Slone and John Williamson and Dale Moore, representatives of Roanoke Gas Company, reviewed rate analysis and potential roadblocks.

Michael T. McEvoy, Director of Utilities, City of Roanoke, advised that staff's recommendation to form a full service water and wastewater authority should include the supply, treatment, transmission, and distribution of water to citizens in both Roanoke City and Roanoke County, collection and treatment of wastewater, and such functions as meter reading, billing, and account services for customers. He advised that staff is also recommending that an independent governing board oversee the authority, and the governing board should consist of equal representation from both localities.

Mr. McEvoy further advised that significant efficiencies are to be gained that will benefit all customers, i.e.: shared personnel and equipment, combined management of the water reservoirs for maximum yield, joint meter reading and billing operations, consistent operating policies including levels of treatment, combined purchasing, drought management, and development review; and combining operations will result in better planning and design of future improvements for more efficient service delivery which will save time and money by not duplicating solutions to the same problems.

**Mr. McEvoy stated that an authority is in the Roanoke Valley's long term best interests; combining the two systems will provide financial stability, which is important in a capital-intensive industry like utilities; strong utility systems are helpful in promoting economic development; customers will gain redundancy during short-term emergencies, as well as periods of drought; facilitate replacement of older infrastructure as well as construction of new facilities in areas not currently served; and while the County and the City are taking this initial step, the authority will be structured so as to allow other jurisdictions to participate in the future.**

**Mr. McEvoy further stated that the abovestated items apply to both water and wastewater service; by combining assets, maximizing existing facilities, and making additional inter-connections, a stronger and more stable water supply is created for both localities; water plant expansions can be deferred through efficient use of existing facilities; and construction of a large water supply project will require combined resources that an authority can provide.**

**Mr. Robertson commented on the benefits of wastewater being included in an authority. He pointed out that Roanoke County and the City of Roanoke, in addition to the City of Salem, Town of Vinton and Botetourt County, already share a single wastewater treatment facility and joint interceptor lines; and forming an authority further solidifies the arrangement and makes planning for future improvements easier and less controversial.**

**Mr. Robertson advised that Roanoke County presently has a contract with the City of Roanoke for wastewater treatment; because of requirements from the Department of Environmental Quality and a desire for additional capacity, amendment to the contract will be necessary; and formation of an authority between Roanoke County and the City of Roanoke, with shared ownership, removes any uncertainty involved with renegotiating a contract for wastewater services in the future, and also increases leverage for permitting other government agencies for future improvements.**

**Mr. Robertson further advised that both the County and the City Utility Departments share personnel, billing, equipment and administration between water and sewer operations; and wastewater should be included in the proposed regional authority in order to gain the most efficiency and to maximize potential cost savings.**

**Mr. McEvoy called attention to the following guiding principles:**

**pooled assets of utility systems by both localities,  
equal representation on an independent governing board, and  
equalization of rates over a mutually agreeable schedule.**

**He explained that there is significant work to be done; staff is recommending authorization to prepare the necessary documents, contracts, and studies for formation of a regional water and wastewater authority; and will return within 60 days to the respective governing bodies with a status report.**

**The County Attorney presented a resolution endorsing the creation of a regional water and wastewater authority, which was adopted by the Roanoke County Board of Supervisors on a 4-0 vote.**

**Mr. Cutler offered the following resolution:**

**(#36248-022703) A RESOLUTION endorsing the creation of a regional water and wastewater authority, and authorizing the City Manager, Director of Finance and City Attorney to proceed with developing an agreement and plan to create such an authority.**

**(For full text of Resolution, see Resolution Book No. 67, page 140.)**

**Mr. Cutler moved the adoption of Resolution No. 36248-022703. The motion was seconded by Mr. Bestpitch.**

**Appreciation was expressed to City and County staff for their efforts to move the localities toward mutual cooperation.**

**There being no further discussion, Resolution No. 36248-022703 was adopted by the following vote:**

**AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith-----7.**

**NAYS: None-----0.**

There being no further business, the Mayor declared the meeting of Roanoke City Council adjourned at 10:55 a.m.

**A P P R O V E D**

**ATTEST:**

**Stephanie M. Moon**  
**Deputy City Clerk**

**Ralph K. Smith**  
**Mayor**

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**REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL**

**March 3, 2003**

**9:00 a.m.**

The Council of the City of Roanoke met in regular session on Monday, March 3, 2003, at 9:00 a.m., in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Vice-Mayor C. Nelson Harris presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended; and pursuant to Resolution No. 36193-010603 adopted by the Council on January 6, 2003, which changed the time of commencement of the regular meeting of Council to be held on the first Monday in each month from 12:15 p.m., to 9:00 a.m.

**PRESENT:** Council Members William D. Bestpitch, William H. Carder, M. Rupert Cutler, and Vice-Mayor C. Nelson Harris-----4.

**ABSENT:** Mayor Ralph K. Smith and Council Members Linda F. Wyatt and Alfred T. Dowe, Jr.-----3.

**OFFICERS PRESENT:** Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

**COMMITTEES-CITY COUNCIL:** A communication from Mayor Ralph K. Smith requesting a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Bestpitch moved that Council concur in the request of the Mayor to convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended. The motion was second by Mr. Carder and adopted by the following vote:

**AYES: Council Members Bestpitch, Carder, Cutler, and Vice-Mayor Harris--4.**

**NAYS: None-----0.**

**(Mayor Smith and Council Members Wyatt and Dowe were absent.)**

**At 9:05 a.m., the Vice-Mayor declared the meeting in recess to be immediately reconvened in the Emergency Operations Center Conference Room, Room 159, for a Council/Staff Work Session.**

**The Council meeting reconvened at 9:15 a.m., in Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with all Members of the Council in attendance, except Mayor Smith, Vice-Mayor Harris presiding.**

**OTHERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; Mary F. Parker, City Clerk; Rolanda Russell, Assistant City Manager for Community Development; George C. Snead, Jr., Assistant City Manager for Operations; R. Brian Townsend, Director, Department of Planning and Code Enforcement; Kenneth H. King, Manager, Streets and Traffic.**

**ITEMS LISTED ON THE 2:00 P.M. DOCKET REQUIRING QUESTIONS/DISCUSSION/CLARIFICATION; AND ADDITIONS/DELETIONS TO THE 2:00 P.M. DOCKET:**

**The City Manager called attention to hard copies of certain agenda items that were not forwarded to the City Clerk's Office in time to be included on the electronic agenda, and noted that all agenda items are now in a format to be acted upon by the Council.**

**Mr. Bestpitch inquired as to the process regarding agenda item 7.a. in connection with a report of the City Planning Commission recommending an amendment to the C-3, Central Business District regulations, to include veterinary clinics, without corrals and pens, as a special exception use.**

**R. Brian Townsend, Director, Department of Planning and Code Enforcement, advised that the City Planning Commission discussed the item at its meeting on February 20 and it was the understanding of the Planning Commission that it was to discuss the item in terms of whether the Planning Commission could support moving forward with initiation of the zoning ordinance amendment. He stated that on a 4 - 2 vote, the City Planning Commission is recommending that Council initiate the zoning ordinance amendment which can be done by resolution adopted by the Council. He clarified that it was the understanding of the City Planning Commission that Council was requesting the Planning Commission to consider the matter and report its recommendation to the Council and the Council would decide if it wishes to move forward with the petition to amend the zoning ordinance.**

**The City Manager clarified that there may have been either a misunderstanding on the part of the City Planning Commission, or following review of the tape recording of the Council meeting, it appeared that the direction that was sent by Council was not for the City Planning Commission to decide whether or not to initiate the petition, but to provide feedback to the Council. She advised that the City Planning Commission is supportive of the petition, however, the Planning Commission is suggesting that Council initiate the zoning ordinance amendment.**

**At this point, Council Members Dowe and Wyatt entered the meeting.**

**TOPICS FOR DISCUSSION BY THE MAYOR AND MEMBERS OF COUNCIL:**

**Council Member Cutler inquired as to the status of the rezoning of 7.292 acres of land at Wonju Street and Franklin Road, S. W., from Light Manufacturing District, to General Commercial District, for the possible construction of a shopping center.**

**The City Manager responded that no information has been received to date, however, as information is received, it will be forwarded to the Council.**

**Council Member Wyatt referred to a communication from the City Manager under date of February 27, 2003, responding to her inquiry as to whether the City's revised overtime policy is creating problems in certain City departments.**

**The City Manager submitted a communication advising that a survey of departments with significant overtime use was conducted; and according to responses received, the new overtime policy does not appear to have impacted productivity in any measurable way. She stated that the changes made in July were in compliance with the FLSA and are more representative of what occurs in the**

marketplace today; departments are coping with the changes and have reported that there have been no instances where coverage could not be provided due to not having anyone answer the call for overtime; departments such as Fire-EMS and E-911 may have to hold employees over from one shift to cover the next shift if no one answers the call for overtime; and these employees understand that this is the nature of their work and have come to expect the call for overtime and the occasional hold over. She explained that overtime coverage in Fire-EMS is driven by factors such as personnel shortages due to recent retirements; and there is no specific data to show that the new overtime policy has had any significant impact on City services.

Ms. Wyatt stated that the City Manager's communication was not fully responsive to her inquiry, and requested additional information in regard to the number of hold overs prior to initiating the revised policy, compared to the current number of hold overs in the Fire/EMS, Police and Maintenance departments specifically.

#### **BRIEFINGS BY CITY STAFF:**

The City Manager advised that several meetings ago, Council was requested to appropriate funds for more detailed planning relative to traffic calming initiatives in several areas of the City. She referred specifically to the Williamson Road area inasmuch as some time ago there was dissension between the business community and the residential community about the type of traffic calming initiatives that should take place, and City staff has addressed concerns and would like to review alternatives for consideration by Council. She called attention to meetings attended by representatives of businesses/residents of the Williamson Road area over the past several months, and it is believed that there is a general agreement at this time.

Kenneth H. King, Manager, Streets and Traffic, advised that the issue came to the surface when the City proposed the resurfacing of Williamson Road from Angell Avenue to Hershberger Road, N. W. He stated that requests were received from the business community to consider changing the pavement markings on the road at the time of resurfacing, to reinstitute a center turn lane, and to provide two lanes in each direction. He noted that data revealed that 60 per cent of all accidents in the area were rear end collisions in the inside travel lane, which began to solidify a belief that vehicles turning left were exposed to greater risk of rear end collisions; however, in meetings with neighborhood groups, it was reported that the real problem is the speed of traffic, characteristics of traffic, and residents favor a plan that would be more compatible with the neighborhood environment, including bicycle paths, sidewalks, curb and gutter and streetscaping.

In summary, Mr. King recommended the modification of pavement markings to establish a center turn lane when the road is resurfaced; that the area between Angell Avenue and Christian Avenue be used to demonstrate how the center turn lane can be modified to include a landscaped median and other roadway enhancements, such as textured pavement in the center lane and pedestrian crosswalk areas can be included to calm traffic and to make the roadway operate in greater compatibility with its environment.

**Discussion by Council:**

**\*There does not appear to be a groundswell of requests for bicycle lanes in the Williamson Road community, and residents are far more concerned with having sidewalks and trees, rather than bicycle lanes.**

**\*Persons who live in the area do not want a 25 mile per hour speed limit, but they do favor an alternative that will move traffic up and down the corridor efficiently. Currently, there is a considerable amount of spill over traffic into the residential neighborhoods and some residents fear that there will be heavy duty traffic on certain neighborhood streets. Residents want the streetscape cleaned up with a more user friendly atmosphere.**

**\*There was consensus on the Williamson Road Plan that it would slow down traffic and provide more of a boulevard appearance with street trees, wider sidewalks, etc., to provide a more user friendly area.**

**\*The amount of truck traffic on Williamson Road is comparable to Brandon Avenue, S. W.**

**\*Are there other areas of the City that are more intense in terms of pedestrians crossing the road? It was noted that few pedestrians cross Williamson Road; however, there is some foot traffic in the vicinity of the Williamson Road Branch Library and Richie-Freeze. One of the most dangerous crossings is located at the adult home where residents cross the street to access the Seven - Eleven Store.**

**\*Can the area from Christian Avenue south to Angell Avenue be completed as a part of the maintenance project, or should separate funding be identified? It was explained by staff that the area would require additional funds beyond the maintenance project; approximately \$140,000.00 is earmarked as opportunity funding for the area, pursuant to direction of Council; however, these types of improvements are estimated to be in the range of \$200,000.00.**

**\*It would appear that providing for a left turn lane for vehicles to move out of the line of traffic will inevitably raise the average speed limit. Concern was expressed that while the number of accidents might be reduced, the severity of accidents could increase because vehicles will be moving at a higher rate of speed.**

**\*Because of spacing and the amount of traffic that businesses generate, there are not a lot of opportunities for two cars to be in the left turn lane heading toward each other, and it appears that with almost continuous curb cuts along a fair amount of Williamson Road, there will be more opportunities for a head on collision with one vehicle heading north and one heading south, with both vehicles trying to get in the center left turn lane.**

**\*Five traffic lanes and an unimpeded left turn lane represents another Brandon Avenue. Roads in the City of Roanoke should be designed to accommodate the posted speed limit and no more.**

**\* The traffic calming project should be accomplished in an aesthetically pleasing manner and initiated on a trial basis.**

**\*Are there Federal funds that could be used for a demonstration project?**

**\*With landscaping and medians, traffic will be slowed down, therefore, medians should be installed as soon as possible to prevent a speedway appearance from occurring.**

**\*The opportunity to improve aesthetics by means of street trees, vegetation, etc., is important because if the appearance of the street appeals to motorists, they will slow down to enjoy the view.**

**\*The issue is not just traffic calming, and it is necessary to be conscious of certain roads in the City that are arterial roads, the purpose of which is to move traffic efficiently from one side of the City to the other. It is important not to end up with a congested City where no one wants to drive through a certain part of town. The City needs to provide a balance by calming traffic down, but at the same time, traffic should not be calmed down to the point that traffic becomes so congested that people avoid certain parts of town, or traffic is directed to parallel streets, thereby creating more traffic.**

**\*During the summer months, teenagers congregate at Trinkle Avenue. As the proposed plan is implemented, there should be some assurance that another traffic nightmare will not be created for persons traveling and residing in the Williamson Road area.**

**\*Where there are a limited number of parking spaces located directly in front of a business, could an incentive be offered to those business owners to encourage customers to park in adjacent parking areas/lots that are owned and used by the businesses.**

**The City Manager advised that City staff will identify funds for traffic calming initiatives in several locations in the City, Council appropriated funds for the final design, and it is hoped that any excess funds in the account can be used to address some of the improvements; however, the Williamson Road project appeared to have the need for additional discussion by Council. She stated that if the Council is supportive of the Williamson Road pilot project, staff will identify funding for the first phase. She noted that it is doubtful that funds will be available to complete the second phase of the project which could be the next step, and some of the roads**

will take multiple years for project completion. She advised that City staff is reviewing the Brandon Avenue issue, and exploring certain concepts in connection with addressing traffic which could involve private property owners. She called attention to numerous locations in the City of Roanoke where traffic calming needs to take place, but they cannot all be completed in the immediate future.

Mr. King advised that an open house will be held in April to involve those businesses that will be affected by the Williamson Road traffic calming project, to present the project as a Phase I and Phase II type implementation, and to encourage businesses to consolidate their driveways and to share access, with the goal of a mid-July construction time frame.

It was the consensus of Council that final design of the Williamson Road project will be presented to Council for review and approval, and the City Manager advised that staff will proceed with detailed design work on the Williamson Road, Grandin/Memorial and Bullitt/Jamison traffic calming projects.

#### **LEADERSHIP COLLEGE:**

Stephen Niamke, Coordinator, Roanoke Neighborhood Partnership, presented information on the City of Roanoke's first Leadership College. He advised that the purpose of the Leadership College is to educate citizens about how the City of Roanoke functions and to teach best practices in leadership and community organizing; and graduates of the Leadership College will become resources within their respective communities, capable of advising others as they access City services and ready to lead as citizens work to solve problems within the community.

Council Member Cutler inquired if there could be an incentive for having graduated from the Leadership College when applying for appointment to a Council-appointed committee; whereupon, the City Manager advised that if the Council wishes to place graduation from the Leadership College as a criteria for appointment to boards and commissions, such could be accomplished following completion of the first Leadership College.

There was discussion in regard to creating a participative and a hands on environment for those persons participating in the sessions; encouraging citizens to participate who have not thus far been actively engaged in City government activities; conducting sessions that will involve role playing activities, for example: a mock City Council meeting or City Planning Commission meeting; and that the level of instruction will be such that graduates will know how to navigate the City government structure.

### **FRANKLIN ROAD CULVERT:**

Mr. Townsend advised that there has been light activity on the site, a street opening permit was issued, and a soil analysis is under way. He stated that the developer is currently working on two plans, and he has been requested to review the plans with City Planning and Engineering staff prior to submitting a request to Council.

### **FAIRACRES PROPERTY:**

The City Manager presented a communication which was intended to provide Council with additional information as a part of its consideration of a request to endorse a resolution offered by the Roanoke Valley Preservation Foundation recognizing the architectural and historical significance of the Fairacres property, located at 2713 Avenham Avenue, S. W. She advised that the site is approximately 2.5 acres and contains one house of over 6,800 square feet, current zoning is RS-3, Residential Single Family District, and principal permitted uses include single family detached, day care homes, day care facilities (elderly), churches/synagogues, parks/playgrounds, and home occupations.

The City Manager explained that the residential development potential by right under current zoning includes use of the house in its current configuration as a single family residence, subdivision of the property into RS-3 compliant lots with the house in place (number limited given location of the house on the existing lot - estimated three - six new lots could be created); and subdivide the property into RS-3 compliant lots with demolition of the house (estimated number of lots created 14-16).

The City Manager advised that consideration of any resolution by Council recognizing the “architectural and historic significance” of the Fairacres property will not have any effect on the “by right” development potential of the property under its current RS-3 zoning designation, including demolition of the existing structure; and while no one can predict with certainty what may happen if Council were to adopt the proposed resolution, any of the following could result:

- \*Chilling any purchase interest in the site while it is currently on the market, or dampening investigation of other re-use options that may be economically viable, by giving the indication that the City is not interested in considering any other use of the property except as one single family detached structure.

**\*Potentially accelerating any interest to pursue demolition of the property in anticipation that the City might soon initiate a change of the zoning on the property to more closely reflect the sentiments contained in the resolution (Historic designation would put limitations on “by right” demolition).**

**\*Implying that the City would deny any demolition or development activity, when, in fact, the support for the resolution would not affect the “by right” development rights under the property’s current zoning.**

**Council Member Cutler advised that he intended to offer the resolution at the 2:00 p.m. Council session, and to indicate that adoption of the resolution has no real impact on the “by right” development of the property.**

**There was discussion with regard to legal ramifications, if any, to the City if the resolution is adopted; whereupon, the City Attorney advised that the possibility of any type of legal action in connection with the property is remote, and the resolution states primarily that Council recognizes the architectural/historical value of the Fairacres property.**

**The City Manager called attention to statements that have been made that the property could be purchased by an individual, or group of individuals, and donated to the City of Roanoke. She advised that although Fairacres is a beautiful historical home, the City is currently experiencing problems with some of the historic homes that it currently owns because they have not been used appropriately. She explained that the Parks and Recreation Master Plan suggests that the homes not be used for these purposes and at some point in the future, the homes should be returned to historical home use. She stated that if there are plans that would suggest that the City either acquire the Fairacres property, or that the property be donated to the City for a specific use, the City as an organization should be cautious about any such donation, given the fact that there may be even more expenses associated with a donation.**

**At 11:05 a.m., the Vice-Mayor declared the work session in recess.**

**At 11:15 a.m., Council convened in Closed Session in the Council’s Conference Room, Room 451, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, to discuss vacancies on certain authorities, boards, commissions, and committees, appointed by Council, which closed session was previously approved by the Council at its 9:00 a.m. session.**

At 11:40 a.m., the Council meeting reconvened in the City Council Chamber, with all members of the Council in attendance, with the exception of Mayor Smith, Vice-Mayor Harris presiding.

With respect to the Closed Meeting just concluded, Mr. Bestpitch moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Cutler, Dowe, and Vice-Mayor Harris-----6.

NAYS: None-----0.

(Mayor Smith was absent.)

COMMITTEES-PARKS AND RECREATION: The Vice-Mayor advised that there is a vacancy on the Parks and Recreation Advisory Board, and called for nominations to fill the vacancy.

Mr. Cutler placed in nomination the name of James Settle.

There being no further nominations, Mr. Settle was appointed as a member of the Parks and Recreation Advisory Board, for a term ending March 31, 2006, by the following vote:

FOR MR. SETTLE: Council Members Wyatt, Bestpitch, Carder, Cutler, Dowe and Vice-Mayor Harris-----6.

(Mayor Smith was absent.)

FLOOD REDUCTION/CONTROL: The Vice-Mayor advised that there is a vacancy on the Flood Plain Committee, and called for nominations to fill the vacancy.

Mr. Cutler placed in nomination the name of Herbert C. Berding, Jr.

There being no further nominations, Mr. Berding was appointed as a member of the Flood Plain Committee, for a term ending June 30, 2003, by the following vote:

**FOR MR. BERDING: Council Members Wyatt, Bestpitch, Carder, Cutler, Dowe and Vice-Mayor Harris-----6.**

**(Mayor Smith was absent.)**

**PLANNING-COMMITTEES-OATHS OF OFFICE: The Vice-Mayor advised that the four-year terms of office of Gilbert E. Butler, Jr., D. Kent Chrisman, and Melvin Hill as members of the City Planning Commission expired on December 31, 2002, Mr. Hill has declined to serve another term, and called for nominations to fill the vacancies.**

**Mr. Bestpitch placed in nomination the names of Gilbert E. Butler, Jr., D. Kent Chrisman and Henry Scholz.**

**There being no further nominations, Messrs. Butler, Chrisman and Scholz were reappointed/appointed as members of the City Planning Commission, for terms ending December 31, 2006, by the following vote:**

**FOR MESSRS. BUTLER, CHRISMAN and SCHOLZ: Council Members Wyatt, Bestpitch, Carder, Cutler, Dowe, and Vice-Mayor Harris-----6.**

**(Mayor Smith was absent.)**

**There being no further business, at 11:40 a.m., the Council meeting was declared in recess until 2:00 p.m., in the City Council Chamber.**

**The Council meeting reconvened at 2:00 p.m., on Monday, March 3, 2003, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Vice-Mayor Harris presiding.**

**PRESENT: Council Members Linda F. Wyatt, William D. Bestpitch, William H. Carder, M. Rupert Cutler, Alfred T. Dowe, Jr., and Vice-Mayor C. Nelson Harris-----6.**

**ABSENT: Mayor Ralph K. Smith-----1.**

**OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.**

**The meeting was opened with a prayer by David Springer, Member, Bahai' Faith.**

The Pledge of Allegiance to the Flag of the United States of America was led by Vice-Mayor Harris.

**PRESENTATIONS AND ACKNOWLEDGMENTS:**

**PROCLAMATIONS:** Vice-Mayor Harris presented a proclamation declaring the month of March 2003 as American Red Cross Month.

**CONSENT AGENDA**

The Vice-Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately.

**AIRPORT-EASEMENTS-CITY PROPERTY:** A communication from the City Manager requesting that Council schedule a public hearing for Monday, March 17, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to an encroachment into the public right-of-way at the main entrance of the Roanoke Regional Airport, Official Tax No. 6640115, was before the body.

Mr. Carder moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Dowe and adopted by the following vote:

**AYES:** Council Members Wyatt, Bestpitch, Carder, Cutler, Dowe, and Vice-Mayor Harris-----6.

**NAYS:** None-----0.

(Mayor Smith was absent).

**PURCHASE/SALE OF PROPERTY-AIRPORT-CITY PROPERTY:** A communication from the City Manager requesting that Council schedule a public hearing for Monday, March 17, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to a proposed conveyance of City-owned property on Municipal Road, N. E., identified as Official Tax No. 6640123, was before the body.

Mr. Carder moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Dowe and adopted by the following vote:

**AYES: Council Members Wyatt, Bestpitch, Carder, Cutler, Dowe, and Vice-Mayor Harris-----6.**

**NAYS: None-----0.**

**(Mayor Smith was absent).**

### **REGULAR AGENDA**

**PUBLIC HEARINGS: NONE.**

#### **PETITIONS AND COMMUNICATIONS:**

**REAL ESTATE VALUATION-CITY EMPLOYEES: A communication from Vice-Mayor C. Nelson Harris, Chair, City Council Personnel Committee, advising of the retirement of Willard N. Claytor, Director, Real Estate Valuation, effective July 31, 2003, was before Council.**

**As Chairman of the Personnel Committee, he requested that the following actions be taken: (1) given Mr. Claytor's many years of outstanding service to the City Council and to the City of Roanoke, the City Clerk is requested to arrange an appropriate retirement function for Mr. Claytor; (2) the Director of Finance is requested to provide a brief written summary relative to his plans for integrating the Real Estate Valuation function into his office, effective August 1, 2003, and during the spring meeting of the Personnel Committee when determining salary adjustments, it would be appropriate for Council to consider an appropriate pay increase for the Director of Finance related to his increased responsibilities in assuming this function; and (3) the City Attorney is requested to prepare the necessary action to remove the Director of Real Estate Valuation position from a Council-Appointed position to a Director of Finance position, effective August 1, 2003.**

**Without objection by Council, the Vice-Mayor advised that the communication would be received and filed.**

**LANDMARKS/ HISTORIC PRESERVATION: Council at its regular meeting on Tuesday, February 18, 2003, having deferred action on a request of the Roanoke Valley Preservation Foundation for endorsement by Council of a resolution recognizing the architectural and historic significance of the Fairacres property, located at 2713 Avenham Avenue, S. W., the matter was again before the body.**

**Mr. Cutler offered the following resolution:**

**(#36249-030303) A RESOLUTION recognizing the architectural and historic significance of the Fairacres property.**

**(For full text of Resolution, see Resolution Book No. 97, page 143.)**

**Mr. Cutler moved the adoption of Resolution No. 36249-030303. The motion was seconded by Mr. Dowe.**

**Mr. Cutler requested that the record reflect that the Fairacres property is of architectural and historic significance, but it should be noted that the resolution does not affect the rights of the Roanoke Council of Garden Clubs to develop the property, and he supports those sentiments as expressed in the resolution.**

**Charles H. Osterhoudt, Attorney, representing the Roanoke Council of Garden Clubs, Inc., owner of the property, advised that his client opposes adoption of the resolution at this time; however, the position of his client does not mean that it is opposed saving and preserving the property in its present status. He stated that the organization is well aware of the fact that there are persons in the community, particularly in the South Roanoke area, who oppose any change to the property, but maintaining the property is a burden that the organization can no longer carry, and is a question that should be passed on to a new owner. He advised that the Roanoke Council of Garden Clubs, Inc., is an umbrella organization, the constituent members of which are the various garden clubs located throughout the Roanoke Valley; when the Fairacres property was acquired in 1964 from the Stevenson family, there were 52 such garden club organizations in the Roanoke Valley and over 1500 members; and today there are only 22 organizations with approximately 600 members. He called attention to restrictions on the use of the Fairacres property; in 1992, the Roanoke Council of Garden Clubs sought approval to use the property for other purposes, which was widely opposed by the neighborhood; and in order for the Council of Garden Clubs to survive, it must relocate to an area that is easier to maintain and more compatible with its fund raising efforts. Therefore, he stated that the Roanoke Council of Garden Clubs is of the opinion that a position in regard to the historic significance of Fairacres should await a new owner.**

**Sarah Bell Parrott, 3112 Somerset Street, S. W., President of the Mill Mountain Garden Club, one of the largest clubs in the Roanoke Council of Garden Clubs, advised that Fairacres is a historic home built by William C. Stevenson who was a prominent local businessman and an early citizen of Roanoke; the house was designed by the noted architectural firm of Frye and Chesterman, who were responsible for some of the most significant buildings in Roanoke; and the Tudor**

Revival style house was a popular style in residential design in the first half of the twentieth century. Because of the relative youth of Roanoke, she stated that there are not many homes of this caliber and age; therefore, she requested that Council adopt the resolution which acknowledges both the architectural and historic significance of Fairacres, and will raise the awareness of its historic value to the Roanoke Valley.

Ms. Vikki Tomlinson, 25 Claybrook Court, Blue Ridge, Virginia, spoke in support of adoption of the resolution because of the historic significance of the Fairacres property.

Allison Blanton, 1701 Arlington Road, S. W., President of the Roanoke Valley Preservation Foundation, advised that the Preservation Foundation wishes to clarify that Fairacres is an architecturally and historically significant property in the City of Roanoke, and encourages property owners to be aware of the historic significance as plans are finalized for the future of Fairacres.

Barbara N. Duerk, 2607 Rosalind Avenue, S. W., who served as President of Neighbors in South Roanoke when the South Roanoke Neighborhood Plan was adopted in 1988, advised that South Roanoke's values are listed as community values and are important to the unique neighborhood character and quality of life; the history and architecture of the neighborhood are important features that should be acknowledged and protected; and residents value gateway entrances, along with new development and construction that should be compatible with the design and scale of existing residential and commercial development. She stated that the neighborhood plan specifically refers to the importance of historic and architectural resources; therefore, Fairacres is one of the most prominent resources that should be protected. She advised that a sense of place should be maintained, and encouraged Council to adopt the resolution recognizing the architectural and historic significance of the Fairacres property.

Mr. Carder advised that the proposed resolution does not in any way affect what can be done with the Fairacres property, but simply states that Fairacres adds to the historic value of the neighborhood.

**Resolution No. 36249-030303 was adopted by the following vote:**

**AYES: Council Members Wyatt, Bestpitch, Carder, Cutler, Dowe, and Vice -Mayor Harris -----6.**

**NAYS: None-----0.**

**(Mayor Smith was absent.)**

**SCHOOLS: Dr. Rita Bishop, Associate Superintendent for Instructional Systems, Roanoke City Public Schools, presented a briefing on the English Language Learner's Program (ELL).**

**She advised that the ELL must be based in sound educational theory, exhibit effective implementation of the educational theory, provide necessary resources for success, ensure regular evaluation and modification (when needed), and provide equitable access for students; guiding principles provide trained and knowledgeable staff, ensure that administrators and teachers are skilled in effective instructional practices for ELL, inform parents/guardians regarding ELL policies and practices, and be accountable for the success of its students. She presented results of a survey of Limited English Proficient Students as of January 30, 2003, totaling 432 in Pre Kindergarten through Grade 6; and students were served as follows in the English Language Learner's Program.**

<b>1996 - 1997 - 123</b>
<b>1997 - 1998 - 129</b>
<b>1998 - 1999 - 194</b>
<b>1999 - 2000 - 225</b>
<b>2000 - 2001 - 302</b>
<b>2001 - 2002 - 353</b>
<b>2002 - 2003 - 432</b>

**Without objection by Council, the Vice-Mayor advised that the briefing would be received and filed.**

**REPORTS OF OFFICERS:**

**CITY MANAGER:**

**BRIEFINGS: NONE.**

**ITEMS RECOMMENDED FOR ACTION:**

**EMERGENCY SERVICES-FLOOD REDUCTION/CONTROL-SNOW REMOVAL:** The City Manager submitted a communication advising that on February 24, 2003, the City was notified by the Virginia Department of Emergency Management that the Governor had declared a State of Emergency for snow removal due to expenses incurred by the Virginia Department of Transportation; once a State of Emergency has been declared, localities responsible for their own snow removal efforts are eligible to apply for public assistance; if approved, the City would be eligible for snow removal for a 48 hour period, including such activities as plowing, cleaning sidewalks and chemicals; the 48 hour period will cover from February 15, 2003, at 7:00 p.m., through Monday, February 17, 2003, at 7:00 p.m.; and costs claimed for the period totaled \$107,798.27.

It was further advised that the City experienced a flood event commencing Saturday, February 22, 2003, which resulted in both public and private damage and significant cost to the City in dealing with the impact of the emergency; and an initial estimate of cost for the event includes \$1,031,100.00 in damage to public property and \$1,322,500.00 in damage to homes and businesses, which estimates are subject to change as findings are updated and insurance estimates are received.

It was explained that damage estimates, a slow economy, and reductions in State funding limit the City's ability to cover the cost of expenses resulting from these events; on February 25, the City Manager declared emergencies to exist for both of these events based on information received by the Virginia Department of Emergency Management; declaration of a local emergency does not automatically guarantee that State and Federal financial assistance will be provided; and the Governor will make a decision on whether or not to request Federal assistance, once State-wide damage estimates are received.

The City Manager recommended that Council confirm the City Manager's action declaring local emergencies to exist for snow for the period February 15 - February 17, 2003, and for a flood commencing on February 22, 2003.

Mr. Dowe offered the following resolution:

(#36250-030303) A RESOLUTION confirming the declaration of a local snow emergency; conferring emergency powers in the City Manager as Director of Emergency Management; authorizing the City Manager to make application for Federal and State public assistance to deal with such emergency; designating a fiscal agent and an agent for submission of financial information for the City; and calling upon the Federal and State governments for assistance.

(For full text of Resolution, see Resolution Book No. 97, page 144.)

Mr. Dowe moved the adoption of Resolution No. 36250-030303. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Cutler, Dowe and Vice-Mayor Harris-----6.

NAYS: None-----0.

(Mayor Smith was absent).

Mr. Dowe offered the following resolution:

(#36251-030303) A RESOLUTION confirming the declaration of a local flooding emergency; conferring emergency powers in the City Manager as Director of Emergency Management; authorizing the City Manager to make application for Federal and State public assistance to deal with such emergency; designating a fiscal agent and an agent for submission of financial information for the City; and calling upon the Federal and State governments for assistance.

(For full text of Resolution, see Resolution Book No. 97, page 146.)

Mr. Dowe moved the adoption of Resolution No. 36251-030303. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Cutler, Dowe and Vice-Mayor Harris-----6.

NAYS: None-----0.

(Mayor Smith was absent).

**EASEMENTS-SIGNS/BILLBOARDS/AWNINGS:** The City Manager submitted a communication advising that Shellco, LLC, owner of 216 Market Street, S. E., located at the corner of Market Street and Kirk Avenue, has requested permission to retain awnings that encroach into the public rights-of-way of both Market Street and Kirk Avenue; the revocable encroachments will extend approximately 40 inches into the right-of-way of Kirk Avenue and approximately 48 inches into the right-of-way of Market Street, at a minimum height above the sidewalk of nine feet; right-of-way of Kirk Avenue at this location is approximately 25 feet in width, and the right-of-way

of Market Street at this location is approximately 50 feet in width; and liability insurance and indemnification of the City by the applicant shall be provided, subject to approval by the City's Risk Manager.

The City Manager recommended that Council adopt an ordinance granting a revocable license to the property owner at 216 Market Street, S. E., to allow awnings that encroach into the rights-of-way of both Market Street and Kirk Avenue to remain.

Mr. Dowe offered the following ordinance:

(#36252-030303) AN ORDINANCE granting a revocable license to permit the encroachment of an awning at a minimum height above the sidewalk of nine feet, extending approximately 40 inches in the public right-of-way of Kirk Avenue and extending approximately 48 inches into the public right-of-way of Market Street, S. E., from property bearing Official Tax No. 4010902, upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 97, page 148.)

Mr. Dowe moved the adoption of Ordinance No. 36252-030303. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Cutler, Dowe, and Vice-Mayor Harris-----6.

NAYS: None-----0.

(Mayor Smith was absent.)

**EASEMENTS-EQUIPMENT:** The City Manager submitted a communication advising that the City of Roanoke's Departmental Environmental Representatives Team is implementing a program to recycle used cartridges from printers, fax machines and copiers owned by the City; arrangements for recycling the cartridges have been coordinated with a Recycling Center located in Franklin, Tennessee; the Recycling Center has sent the City, free of charge, envelopes and boxes to ship used cartridges to its facility, postage paid; in return, the Recycling Center will pay a small amount, between \$0.50 and \$5.00 per item, depending upon the size and type, for the cartridges that are received; the Recycling Center has developed equipment that processes cartridges and refills them for resale; and these "remanufactured" cartridges are available under several brand names through most office supply companies.

It was further advised that while team members wish to implement the recycling program, receiving and handling checks for such small amounts will be cumbersome for the City; therefore, the team would like to designate the checks to be sent to the Clean Valley Council as a contribution; the Executive Director and staff of the Clean Valley Council support the program and will accept contributions, with checks to be sent directly from the Recycling Center to the Clean Valley Council; total annual contributions to the Clean Valley Council are not expected to exceed \$500.00; the program will be evaluated by the Departmental Environmental Representatives Team annually to track its success; and if the amount contributed is higher than expected, the team will consider whether to include other organizations for this donation, or to retain the funds for City operations.

The City Manager recommended that she be authorized to approve the printer cartridge program as developed by the Departmental Environmental Representatives Team and approve payment for recycled cartridges as contributions to the Clean Valley Council.

Mr. Dowe offered the following resolution:

(#36253-030303) A RESOLUTION authorizing the City Manager to review and approve a Printer Cartridge Recycling Program that has been developed by the City of Roanoke's Departmental Environmental Representatives Team; authorizing the City Manager to provide for the assignment or designation of funds due to the City from the recycling entity that receives the printer cartridges be sent to the Clean Valley Council, Inc., as a contribution from the City, subject to certain conditions; and authorizing the City Manager to take such further action and to execute and provide such documents as may be necessary to implement this program.

(For full text of Resolution, see Resolution Book No. 97, page 151.)

Mr. Dowe moved the adoption of Resolution No. 36253-030303. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Cutler, Dowe and Vice-Mayor Harris-----6.

NAYS: None-----0.

(Mayor Smith was absent.)

**BUDGET-EMERGENCY SERVICES-GRANTS:** The City Manager submitted a communication advising that the purpose of the U. S. Department of Justice Equipment Grant Program is to assist Virginia localities in preparation for their response to weapons of mass destruction incidents; the Commonwealth of Virginia Department of Emergency Management (VDEM) is the designated State agency charged with the responsibility of managing the grants; Department of Justice Grants are intended to allow local governments to purchase response equipment that the locality identifies as needed; funding is restricted to the purchase of equipment from a specified and limited number of commodity areas and personal protective equipment for police officers will be purchased with the funds; grant funds are awarded retroactive to 1999 through 2002; and the total amount of funding allocated to the City of Roanoke is as follows:

<u>GRANT</u>	<u>AWARD AMOUNT</u>	<u>FUNDS MUST BE OBLIGATED BY</u>
1999 Grant	\$ 3,777.72	March 23, 2003
2000 Grant	\$ 11,000.96	July 31, 2004
2001 Grant	\$ 11,269.10	July 31, 2004
2002 Grant	\$ 45,405.31	July 31, 2004

**TOTAL AWARD: \$ 71,453.10**

It was explained that the funds do not require a local match, and application for drawdown of grant funds requires execution by the governing body of the City of Roanoke of the Designation of Applicants Agent Resolution.

The City Manager recommended that Council accept the Virginia Department of Emergency Management Grant and that the City Manager be authorized to execute the grant agreement and any related documents; and appropriate State grant funds of \$71,453.00, with a corresponding revenue estimate, in accounts to be established by the Director of Finance in the Grant Fund.

**Mr. Carder offered the following budget ordinance:**

**(#36254-030303) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.**

**(For full text of Ordinance, see Ordinance Book No. 97, page 152.)**

**Mr. Carder moved the adoption of Ordinance No. 36254-030303. The motion was seconded by Mr. Dowe and adopted by the following vote:**

**AYES: Council Members Wyatt, Bestpitch, Carder, Cutler, Dowe and Vice-Mayor Harris-----6.**

**NAYS: None-----0.**

**(Mayor Smith was absent.)**

**Mr. Carder offered the following resolution:**

**(#36255-030303) A RESOLUTION authorizing the acceptance of the Commonwealth of Virginia Department of Emergency Management Grant by the U. S. Department of Justice Equipment Grant Program and authorizing the execution of any required documentation on behalf of the City.**

**(For full text of Resolution, see Resolution Book No. 97, page 153.)**

**Mr. Carder moved the adoption of Resolution No. 36255-030303. The motion was seconded by Mr. Dowe and adopted by the following vote:**

**AYES: Council Members Wyatt, Bestpitch, Carder, Cutler, Dowe and Vice-Mayor Harris-----6.**

**NAYS: None-----0.**

**(Mayor Smith was absent.)**

**Mr. Cutler offered the following resolution:**

**(#36256-030303) A RESOLUTION designating the City of Roanoke's agent for the purposes of the National Domestic Preparedness Office Grant Program(s) administered by the Commonwealth of Virginia.**

**(For full text of Resolution, see Resolution Book No. 97, page 154.)**

**Mr. Cutler moved the adoption of Resolution No. 36256-030303. The motion was seconded by Mr. Carder and adopted by the following vote:**

**AYES: Council Members Wyatt, Bestpitch, Carder, Cutler, Dowe, and Vice-Mayor Harris-----6.**

**NAYS: None-----0.**

**(Mayor Smith was absent.)**

**CITY EMPLOYEES WORKERS COMPENSATION: The City Manager submitted a communication advising that Council adopted Resolution No. 4748 on February 28, 1936, which granted pay benefits to certain City employees who were absent from employment due to personal injuries received in the line of duty for up to 60 days; on February 7, 2000, Council repealed Resolution No. 4748 and adopted Resolution No. 34671-020700 which granted pay benefits to all full-time City employees who are absent from employment due to personal injuries received in the line of duty for up to six months; an unanticipated result of this resolution occurs when an employee is injured on the job, receives conservative medical treatment, but is later required to undergo surgery as part of the medical care; and in these rare cases, the employee may not benefit from the full period of supplemental pay.**

**It was further advised that these inequities can be addressed by repealing Resolution Nos. 4748 and 34671-020700 and adopting a new resolution which authorizes the City Manager to approve supplemental pay for any full-time City employee who receives a bodily injury arising out of and in the course of his or her employment with the City of Roanoke, and who, as a result of such injury, receives temporary disability benefits pursuant to the Workers' Compensation Act; in general, the City Manager may authorize supplemental pay under such circumstances during only the first 26 weeks after the date of injury, and such supplemental pay may continue until either the end of the 26 week period, or until such employee is able to return to duty, whichever occurs first; if an employee, after having received supplemental pay during the 26 week period, and after returning to full or modified duty with the City of Roanoke, becomes once again unable to perform full or modified duty with the City of Roanoke during the 26 week period as a result of such injury, the City Manager may authorize supplemental pay while the employee is absent from work until the end of the 26 week period, or until the employee is able to return to duty, whichever occurs first; however, the above notwithstanding, if at any time an employee is unable to return to full or modified duty with the City of Roanoke due to surgery necessitated by the injury, the City Manager may authorize supplemental pay upon the employee's absence from work, which supplemental pay may continue until the employee is otherwise no longer eligible to receive supplemental pay.**

It was explained that the amount of supplemental pay authorized by a proposed measure shall be an amount equal to the difference between the employee's regular base pay with the City of Roanoke and any temporary disability benefits paid to the employee pursuant to the Workers' Compensation Act; and in no case shall any employee receive supplemental pay authorized by the proposed measure for a total period of time greater than 26 weeks for any single injury.

The City Manager recommend that Council repeal Resolution Nos. 4748 and 34671-020700 and adopt a new resolution, retroactive to February 7, 2000.

Ms. Wyatt offered the following resolution:

(#36257-030303) A RESOLUTION extending certain pay benefits to full-time City employees who incur injuries arising out of and in the course of their employment; and repealing Resolution No. 4748, adopted February 28, 1936, and Resolution No. 34671-020700, adopted February 7, 2000.

(For full text of Resolution, see Resolution Book No. 97, page 156.)

Ms. Wyatt moved the adoption of Resolution No. 36257-030303. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Cutler, Dowe and Vice-Mayor Harris-----6.

NAYS: None-----0.

(Mayor Smith was absent.)

**TRAFFIC-BUDGET-ARMORY/STADIUM-ROANOKE CIVIC CENTER-TRANSPORTATION SAFETY:** The City Manager submitted a communication advising that Council was briefed on the City's plans to control event traffic for Civic Center and Stadium/Amphitheater activities; the fundamental element of the traffic control plan includes the use of intelligent transportation system components to observe and manage event traffic; motorists will be provided with guidance by temporary directional signs and by activating Dynamic Message Signs that will direct traffic to the appropriate facility entrance, or shuttle parking location; and a requested appropriation will provide funding (\$370,579.00) to purchase Dynamic Message Signs and to modify traffic islands at the Civic Center's main entrance for improved shuttle bus maneuverability.

The City Manager recommended that Council appropriate \$322,111.00 from increased State Street Maintenance Revenues, and transfer \$48,468.00 from the Paving Program, Account No. 001-530-4120-2010, to a new account in the Capital Projects Fund to be entitled, Event Traffic Management.

Mr. Dowe offered the following budget ordinance:

(#36258-030303) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General and Capital Projects Funds Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 97, page 158.)

Mr. Dowe moved the adoption of Ordinance No. 36258-030303. The motion was seconded by Mr. Carder.

Mr. Bestpitch inquired as to whether persons attending events at the Roanoke Civic Center can obtain information on the availability of parking garages and shuttle bus service in advance of the event; whereupon, the City Manager advised that message signs will be one of the mechanisms to direct patrons.

The Acting Director of the Civic Center advised that in addition to planning traffic management planning, City staff will work with the news media two days prior to an event to inform the public of the availability of shuttle buses and parking decks, etc.

In a further discussion of the matter, the City Manager advised that the Williamson Road parking garage would be the first garage to be activated for Civic Center parking.

It was suggested that available parking decks for each civic center event be posted on the City's web site.

Ordinance No. 36258-030303 was adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Cutler, Dowe and Vice-Mayor Harris-----6.

NAYS: None-----0.

(Mayor Smith was absent.)

**SNOW REMOVAL:** The City Manager submitted a communication advising that the transfer of \$250,000.00 to the Snow Removal account was approved at the February 18, 2003 meeting of Council; following transfer of the additional funds, it was determined that an emergency procurement of salt was necessary to adequately prepare for upcoming winter weather; weather forecasts predicted a continuation of the weekly trend of winter; therefore, it was determined that the existing salt supplies were not adequate to support pending snow and ice removal efforts; in accordance with Section 41 of the City Charter of the City of Roanoke, public advertisement for bids was suspended and written bids were solicited from known salt providers within the Roanoke region; and a 2,000 ton order was placed with Cargill Salt, Inc., in the amount of \$119,160.00 (\$59.58 per ton delivered).

The City Manager recommended that the report be received and filed in accordance with Section 41 of the Roanoke City Charter.

Mr. Cutler referred to newspaper articles regarding the environmental impact of salt on aquatic habitats and water supplies, etc., and inquired as to monitoring efforts by the City, if any, relative to the Stormwater Management Program which is designed to reduce the contamination of surface waters.

The City Manager responded that the matter is currently under review by City staff for future consideration.

Without objection by Council, the Vice-Mayor advised that the report would be received and filed.

**CITY CLERK:**

**SCHOOLS:** The City Clerk submitted a written report advising that on June 30, 2003, the three-year terms of office of F. B. Webster Day, Marsha W. Ellison and Gloria P. Manns as Trustees of the Roanoke City School Board will expire; Ms. Ellison is ineligible to serve another term inasmuch as she has served three consecutive three year terms of office; pursuant to Chapter 9, Education, of the Code of the City of Roanoke (1979), as amended, establishing a procedure for the election of School Trustees, Council must hold certain meetings and take certain actions during the months of March, April and May to conform with the selection process; and the concurrence of Council in establishing the following dates is requested.

- (1) On Monday, March 17, 2003, at 2:00 p.m., or as soon thereafter as the matter may be heard, Council as a Committee of the Whole, will review and consider all candidates for the position of School Trustee. At such meeting, Council shall review all applications filed for the position and Council may elect to interview candidates for such positions.
- (2) On Monday, April 7, 2003, at 2:00 p.m., or as soon thereafter as the matter may be heard, Council will, by public vote, select from the field of candidates, those candidates to be accorded the formal interview and all other candidates will be eliminated from the School Trustee selection process. The number of candidates to be granted the interview shall not exceed three times the number of positions available on the Roanoke City School Board, should there be so many candidates.
- (3) On Monday, April 21, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, Council will hold a public hearing to receive the views of citizens.
- (4) On Thursday, April 24, 2003, at 4:30 p.m., Council will hold a meeting for the purpose of conducting a public interview of candidates for the position of School Trustee.
- (5) On Monday, May 5, 2003, at 2:00 p.m., or as soon thereafter as the matter may be heard, Council will hold an election to fill the three vacancies, for terms commencing July 1, 2003, and ending June 30, 2006.

There being no questions, and without objection by Council, the Vice-Mayor advised that the report would be received and filed.

**DIRECTOR OF FINANCE:**

**DIRECTOR OF FINANCE-COMMITTEES:** The Director of Finance submitted the Financial Report for the City of Roanoke for the month of January 2003.

There being no questions, and without objection by Council, the Vice-Mayor advised that the January 2003 Financial Report would be received and filed.

## **REPORTS OF COMMITTEES:**

**ZONING-ANIMALS/INSECTS:** The City Planning Commission submitted a written report in connection with a referral by Council regarding a request to initiate an amendment to the Zoning Ordinance to provide for establishment of veterinary clinics, by special exception, in the C-3, Central Business District, subject to approval by the Board of Zoning Appeals.

It was advised that the Director of Planning, Building and Development, provided background information on the request to the City Planning Commission and called attention that an amendment of the C-3 zoning district would apply to all properties in the district, including the core of downtown, and not just to the property that The Angels of Assisi propose to purchase.

The City Planning Commission recommended that a petition to amend the C-3 Central Business District regulations, to include veterinary clinics, without corrals and pens, as a special exception use, be initiated.

Mr. Bestpitch offered the following resolution:

(#36259-030303) A RESOLUTION authorizing the City Manager to file a petition, seeking an amendment of §36.1-228, Special exception uses, of the Code of the City of Roanoke (1979), as amended, to provide for the establishment of veterinary clinics as a special exception use in the C-3, Central Business District, of the City of Roanoke.

(For full text of Resolution, see Resolution Book No. 97, page 159.)

Mr. Bestpitch moved the adoption of Resolution No. 36259-030303. The motion was seconded by Mr. Dowe and adopted by the following vote:

**AYES:** Council Members Bestpitch, Carder, Cutler and Vice-Mayor Harris---4.

**NAYS:** Council Members Wyatt and Dowe-----2.

(Mayor Smith was absent.)

**UNFINISHED BUSINESS:** None.

**INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:**

**COMMITTEES-INDUSTRIES:** Mr. Carder offered the following resolution appointing Allen D. Williams as a Director of the Industrial Development Authority of the City of Roanoke, to fill the unexpired term of Stark H. Jones, resigned, ending October 20, 2006:

(#36260-030303) A RESOLUTION appointing Allen D. Williams as a Director on the Board of Directors of the Industrial Development Authority of the City of Roanoke, to fill the unexpired term of Stark H. Jones, ending October 20, 2006.

(For full text of Resolution, see Resolution Book No. 97, page 160.)

Mr. Carder moved the adoption of Resolution No. 36260-030303. The motion was seconded by Mr. Dowe and adopted by the following vote:

**AYES:** Council Members Wyatt, Bestpitch, Carder, Cutler, Dowe and Vice-Mayor Harris-----6.

**NAYS:** None-----0.

(Mayor Smith was absent.)

**MOTIONS AND MISCELLANEOUS BUSINESS:**

**INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:**

**ACTS OF ACKNOWLEDGMENT-LEGISLATION:** Council Member Carder expressed appreciation to Senator John S. Edwards, Delegates A. Victor Thomas and Clifton A. Woodrum, III, Thomas A. Dick, Legislative Liaison, and William M. Hackworth, City Attorney, for their efforts in connection with the City's 2003 Legislative Program. He advised that six key initiatives were identified and all six were approved by the Virginia General Assembly.

**BUDGET-CITY GOVERNMENT:** Council Member Carder expressed appreciation to the City Manager and to City staff for their response to his inquiry regarding information on those programs that have been mandated by State and Federal Governments, but have not been funded and/or funding was reduced by the State and/or Federal governments.

**ACTS OF ACKNOWLEDGMENT-BRIDGES:** Council Member Dowe advised that the word “appropriate memorial” and “Dr. Martin Luther King, Jr.” are not synonymous terms. He stated that there is nothing that can be named in Dr. King’s honor that would be appropriate in view of the many contributions that he made for the betterment of his fellow man. He advised that his motive in offering the suggestion to name the First Street Bridge in memory of Dr. King was intended to honor the “man.”

**HEARING OF CITIZENS UPON PUBLIC MATTERS:** The Mayor advised that Council sets this time as a priority for citizens to be heard, and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

**ROANOKE CIVIC CENTER:** Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., suggested that Roanoke Civic Center patrons, when ordering/purchasing tickets, be permitted to select the parking deck of their choice, which will enable the City to keep a tally of the number of persons expected to park in each parking garage.

**COMPLAINTS-BRIDGES-CITY GOVERNMENT-CITY EMPLOYEES-FLOOD REDUCTION/CONTROL:** Mr. Robert Gravely, 3360 Hershberger Road, N. W., spoke with regard to flooding conditions in the City of Roanoke on Saturday, February 22, 2003. He expressed concern that the naming of the First Street Bridge in memory of Dr. King is not a befitting memorial; low wages for citizens of the City of Roanoke; and the voices of citizens are not being heard by their City government.

**CITY MANAGER COMMENTS:**

**ACTS OF ACKNOWLEDGE-CITY EMPLOYEES:** The City Manager commended City employees for their participation in Citizens Appreciation Day which was held on Saturday, March 1, 2003, at Valley View Mall. She stated that the event provided an opportunity to showcase the various services offered to citizens by the City of Roanoke.

There being no further business, at 3:40 p.m., the Vice-Mayor declared the meeting in recess until Friday, March 7, 2003, at 8:30 a.m., for the Council’s Financial Planning Session to be held in Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue S. W., Roanoke, Virginia.

The Council meeting reconvened on Friday, March 7, 2003, at 8:30 a.m., in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Vice-Mayor C. Nelson Harris presiding.

**PRESENT:** Council Members Linda F. Wyatt (arrived late), William D. Bestpitch, William H. Carder, M. Rupert Cutler, and Vice-Mayor C. Nelson Harris-----5.

**ABSENT:** Mayor Ralph K. Smith and Council Member Alfred T. Dowe, Jr.-----2.

**STAFF PRESENT:** Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; Mary F. Parker, City Clerk; Willard N. Claytor, Director of Real Estate Valuation; Troy A. Harmon, Municipal Auditor; George C. Snead, Jr., Assistant City Manager for Operations; Barry L. Key, Director of Management Budget; Ann H. Shawver, Deputy Director of Finance; Sherman M. Stovall, Planning Support Service Supervisor; Philip C. Schirmer, City Engineer; Michael T. McEvoy, Director of Utilities; Richard L. Kelley, Assistant Superintendent of Operations; and F. B. Webster Day, Trustee, Roanoke City School Board.

**COUNCIL-BUDGET:** Vice-Mayor Harris advised that the purpose of the meeting was to engage in discussion regarding the City's financial condition; whereupon, he turned the meeting over to Council Member Bestpitch, Chair, Budget and Planning Committee.

Following brief introductory remarks, Chairman Bestpitch called upon the City Manager for remarks; whereupon, the City Manager advised that City staff had prepared a presentation with regard to a multi-year financial plan for the City's General Fund; and various presentations would be made by Jesse A. Hall, Ann H. Shawver, and Barry L. Key, Director and Deputy Director of Finance and Director of Management and Budget, respectively.

Mr. Key advised that the multi-year financial plan components will include a five-year forecast for revenues and expenditures for fiscal year 2003 - 2007, focusing on General Fund trends and assumptions in preparing the budget forecast; a gap analysis including difference in revenue and expenditures forecasts in the next five years, with strategies to close the gap; and comparisons with peer localities. He reviewed charts detailing positive trends in local taxes in real estate, and prepared food and beverage from 1993 - 2003, which show a steady growth in Roanoke's first and fifth largest local tax sources. He reviewed warning trends in local taxes in the

areas of personal property tax revenues, sales tax revenues, business license revenues from 1993 - 2003, which show a declining growth in Roanoke's second, third and fourth largest local tax sources.

Council Member Bestpitch inquired if citizens could be provided with information on cost savings from the time that the real estate tax rate was \$1.64 per \$100.00 of assessed value to the present when the real estate tax rate is \$1.21 per \$100.00 of assessed value. It was pointed out that the 43 cents difference is worth approximately \$19 million.

At this point, Ms. Wyatt entered the meeting. (8:45 a.m.)

There was discussion with regard to personal property tax revenue/decals in which it was pointed out that decal purchase makes up only one-half of the total personal property collected, and a number of factors affect the amount of revenue collected.

Charts were reviewed in connection with warning trends in local taxes relative to sales tax revenue and business license revenue, which show a declining growth in Roanoke's second, third, and fourth largest local tax sources; key financial assumptions in revenues point out that there will be a continuation of reduced growth trends in local tax revenue categories; i.e.: general property taxes, other local taxes, total local taxes, and intergovernmental revenues (very limited growth), total revenues, and there will be less buying power.

Ms. Wyatt inquired as to the availability of data on the number of unfunded State/Federal mandates during the past five to ten years; whereupon, the City Manager advised that the information could be compiled.

Other priority revenue issues for fiscal year 2004 to 2007 include:

**Key Financial Assumptions Revenues:**

- Change in Admissions Tax rate structure to a mixed rate structure
- One rate for City-owned facilities and a lower rate for all other entities collecting the tax
- Loss of reimbursement for direct and indirect services provided to Water and Sewer Fund with creation of regional water authority

Direct Services                      \$ 708,000.00  
 (Partially offset by related expenditure reduction)  
 Indirect Services                      \$ 1,122,000.00  
 Total Revenue Loss                      \$ 1,830,000.00

**Revenue forecast for fiscal years 2003 to 2007:**

Revenue Source	FY 03	FY 04	FY 05	FY 06	FY 07
General Property Taxes	78,340,707.00	83,396,050.00	86,206,770.00	89,119,047.00	92,136,715.00
Other Local Taxes	59,301,164.00	60,648,777.00	62,057,297.00	63,600,414.00	65,195,117.00
Permits, Fees & Licenses	1,030,694.00	901,122.00	946,119.00	993,366.00	1,042,974.00
Fines and Forfeitures	1,116,350.00	1,296,130.00	1,347,175.00	1,400,262.00	1,455,473.00
Use of Money and Property	1,082,729.00	970,241.00	955,909.00	957,885.00	959,936.00
Intergovernmental	45,721,695.00	45,285,816.00	45,450,568.00	45,575,568.00	45,725,568.00
Charges for Current Services	6,655,980.00	6,546,152.00	4,893,276.00	4,998,540.00	5,123,945.00
Miscellaneous	295,045.00	263,374.00	268,641.00	274,013.00	279,493.00
<b>TOTALS</b>	<b>193,544,364.00</b>	<b>199,307,662.00</b>	<b>202,125,755.00</b>	<b>206,919,095.00</b>	<b>211,919,221.00</b>
<b>% GROWTH</b>	<b>1.15 %</b>	<b>2.98 %</b>	<b>1.41 %</b>	<b>2.37 %</b>	<b>2.42 %</b>

It was explained that positive trends in expenditures include a steady growth in local funds for Roanoke's largest expenditure category which is education, including operating debt service and CMERP funding; and the Roanoke City Public Schools receive 36.4 per cent of local tax growth, subject to certain exclusions of targeted local taxes such as the E911 tax.

It was noted that there is controlled growth in Roanoke's second, third, fourth and sixth largest expenditure categories; i.e.: public safety, health and welfare, public works and general government; there is significant growth in Roanoke's fifth largest expenditure category; i.e.: debt service and capital projects, which growth is driven by approved capital improvement program projects requiring cash or bond funding.

It was explained that key financial assumptions in regard to expenditures are that historically, expenditure growth rates will continue for employee salaries and fringe benefits and operating expenses; there will be continued controlled growth in employee staffing levels; and total expenditures continue to exceed the CPI by approximately 2.5 per cent annually to provide a competitive employee compensation package; and maintain quality services, including public schools, fund capital maintenance and equipment replacement needs, and fund community improvements.

There was discussion in regard to uses for Municipal North when the Social Services Department relocates to its new office space in the former Sears building on Williamson Road; whereupon, the City Manager advised that two commitments have been made with regard to the vacated space in Municipal North, and it would be the recommendation of the City administration to conduct a space analysis study. A Member of Council called attention to a special needs analysis of the Municipal Complex which was conducted several years ago and it was suggested that the City Manager review the consultants' report prior to contracting for another study.

The following key financial assumptions with regard to expenditures were reviewed:

**Other priority funding needs for FY 2004 to FY 2007**

- Continued sharing of local tax revenues with Roanoke City Public Schools based on current formula
- Increased contribution rate for Employee Retirement System (6.25% to 7.59%) in FY04 - \$691,000.00 - and subsequent potential increase in FY05
- Increased contribution rate for Sheriff/Jail employees in the Virginia Retirement System in FY05 - \$33,000.00
- Increased cost of Employee Health Insurance in FY04 - \$342,000.00 and subsequent annual increases FY05 to FY07
- Increased local operating expense for new Health and Human Services Building beginning in FY04 - \$544,000.00 and increasing to \$849,000.00 in FY05

**Note:** Current state reimbursement of \$394,000.00 annually for Municipal North renovation due to expire, reducing net local increase to \$455,000.00 annually.

- Increased operating expense for Regional SPCA beginning in FY04 - \$192,000.00 and increasing to \$314,000.00 in FY05
- City Council's budget priority to restore recurring funding in the operating budget for Equipment Replacement, Fixed Asset Maintenance, Paving and Technology needs
- **Equipment Replacement**
  - Funding Goal - \$2.5 million by FY07
  - \$306,250.00 increase in FY04 to \$1,531,250.00
- **Fixed Asset Maintenance**
  - Funding Goal - \$750,000.00 by FY07
  - \$255,000.00 increase in FY04 to \$600,000.00
- **Paving Program**
  - Funding Goal - \$2.5 million by FY07
  - \$322,111.00 increase in FY04 to \$2,075,000.00
- **Technology - Financial Systems Replacement Project**
  - Funding Goal - \$1.0 million by FY07
  - \$475,000.00 increase in FY04 to \$879,000.00 (supplements existing capital lease funding for personal computer replacement program)

**Total of \$1,358,361.00 in FY04**

**Expenditure forecast for fiscal year 2003 - 2007:**

<b>Expenditure Category</b>	<b>FY03</b>	<b>FY04</b>	<b>FY05</b>	<b>FY06</b>	<b>FY07</b>
<b>Community Development</b>	\$2,931,162.00	\$3,050,110.00	\$3,174,000.00	\$3,303,040.00	\$3,437,448.00
<b>Education</b>	46,716,745.00	48,846,240.00	50,277,003.00	51,787,847.00	53,351,922.00
<b>General Government</b>	11,628,249.00	12,091,338.00	11,865,256.00	12,366,774.00	12,888,693.00
<b>Health and Welfare</b>	27,563,019.00	28,853,662.00	29,995,575.00	30,880,934.00	31,793,947.00
<b>Judicial Administration</b>	6,075,490.00	6,297,139.00	6,527,060.00	6,765,554.00	7,012,938.00
<b>Non-Departmental</b>	22,884,223.00	25,111,858.00	26,806,139.00	28,312,735.00	29,405,363.00

Parks, Recreation & Cultural	9,975,369.00	10,417,784.00	10,765,185.00	11,124,444.00	11,495,944.00
Public Safety	45,265,057.00	47,243,638.00	49,256,281.00	51,195,595.00	53,210,738.00
Public Works	20,505,050.00	21,746,464.00	22,635,626.00	23,525,572.00	24,467,316.00
TOTALS	193,544,364.00	203,658,234.00	211,302,125.00	219,262,496.00	227,064,309.00
% GROWTH	1.15 %	5.23 %	3.75 %	3.77 %	3.56 %

**Key Financial Assumptions in the Capital Improvement Program are:**

- **FY2004 Capital Projects - \$40,355,000.00**
- **Previously Approved Bond Issue - \$14,300,000.00**
  - **Civic Center Improvements - Phase II - \$14,300,000.00**
- **Cash Funding - \$2,455,000.00**
  - **Building Condition Assessment Program - \$600,000.00**
  - **Dumas Center - \$100,000.00**
  - **Financial System Replacement - \$475,000.00**
  - **Grandin Theater - \$80,000.00**
  - **Mill Mountain Zoo Water System Upgrade - \$175,000.00**
  - **Passenger Station - \$625,000.00**
  - **Roanoke River Greenway - \$200,000.00**
  - **YMCA - \$200,000.00**
- **Debt Financing - \$23,630,00.00**
  - **Water Pollution Control Plant - \$23,630,000.00 - VWRLP Loan**
- **FY2005 Capital Projects - \$56,931,000.00**
  - Cash Funding - \$5,130,000.00**
    - **Building Condition Assessment Program - \$650,000.00**
    - **Dumas Center - \$100,000.00**
    - **Financial System Replacement - \$650,000.00**
    - **Fire-EMS Strategic Plan - \$250,000.00**
    - **Grandin Theater - \$80,000.00**
    - **Municipal North Renovation - \$2,000,000.00**
    - **Public Works Service Center - \$1,000,000.00**
    - **Roanoke River Greenway - \$200,000.00**
    - **YMCA - \$200,000.00**

- **Debt Financing - \$51,801,000.00**
  - **Art Museum/IMAX Theater - \$3,700,000.00**
  - **Fire-EMS Strategic Plan - \$4,431,000.00**
  - **High School Improvements - Patrick Henry High School - \$19,000,000.00**
  - **Parks Master Plan - \$7,000,000.00**
  - **Police Building - \$6,670,000.00**
  - **Stormwater Management Program - \$11,000,000.00 - Bond Issue funded from new stormwater management fee**
  
- **FY2006 Capital Projects - \$11,055,000.00**
  - Cash Funding - \$3,855,000.00**
    - **Building Condition Assessment Program - \$700,000.00**
    - **Dumas Center - \$100,000.00**
    - **Financial System Replacement - \$825,000.00**
    - **Grandin Theater - \$80,000.00**
    - **Roanoke Center for Industry and Technology - \$1,750,000.00**
    - **Roanoke River Greenway - \$200,000.00**
    - **South Jefferson Redevelopment Area Project - Riverside Centre for Research and Technology - \$3,665,000.00**
    - **YMCA - \$200,000.00**
  
- **Debt Financing - \$34,440,000.00**
  - **Fire-EMS Strategic Plan - \$4,000,000.00**
  - **High School Improvements - William Fleming High School - \$20,000,000.00**
  - **Roanoke River Flood Reduction Project - \$5,000,000.00**
  - **South Jefferson Redevelopment Area Project - Riverside Centre for Research and Technology - \$5,440,000.00**
  
- **FY2008 Capital Projects - \$2,250,000.00**
  - Cash Funding - \$2,250,000.00**
    - **Building Condition Assessment Program - \$750,000.00**
    - **Dumas Center - \$100,000.00**
    - **Financial System Replacement - \$1,000,000.00**
    - **Roanoke River Greenway - \$200,000.00**
    - **YMCA - \$200,000.00**

- **5 - Year Capital Improvement Program - \$151,026,000.00**  
**Cash Funding - \$19,685,000.00**
- **Debt Financing - \$131,341,000.00**
  - **General Obligation Bond Issues - \$107,741,000.00**
    - **FY2004 \$14,300,000.00**
    - **FY2005 \$51,801,000.00**
    - **FY2006 \$7,200,000.00**
    - **FY2007 \$34,440,000.00**
  - **Virginia Wastewater Revolving Loan Program - \$23,630,000.00**

The Deputy Director of Finance reviewed the following:

**Outstanding Debt as of June 30, 2003**

•	City General Obligation Bonds	\$115,725,323.00
•	School General Obligation Bonds:	24,868,966.00
•	Enterprise Fund General Obligation Bonds:	
–	Water Fund	22,360,000.00
–	Water Pollution Control Fund	14,460,000.00
–	Civic Center Fund	2,110,000.00
–	Parking Fund	6,935,711.00
•	Qualified Zone Academy Bonds (QZAB)	1,892,908.00
•	Virginia Public School Authority (VPSA) Bonds	31,427,145.00
•	Literary Fund Loans	6,410,000.00
•	Section 108 Loan	4,105,000.00
•	Capital Leases	6,373,590.00
	<b>Total Debt as of June 30, 2003</b>	<b>\$236,668,643.00</b>

**Planned Debt Issuance for City and School Projects**

- **FY04**
  - **\$1.3 million in Literary Fund Loans for Lincoln Terrace Saturn Network renovations**
- **FY05**
  - **\$40.801 million General Obligation Bonds**
    - **Art Museum/IMAX Theater - 3.7 million**
    - **Patrick Henry High School Improvements - \$19 million**
    - **Police Building - Phase II - \$6.67 million**
    - **Parks Master Plan - Phase II - \$7.0 million**
    - **Fire Station Replacement - \$4.431 million**

**An additional \$19 million in VPSA/Literary Fund Loans for the Patrick Henry High School project**

- **\$7.5 million Literary Loan and \$11.5 million VPSA Bonds**
- **FY06**
  - **\$3.75 million Literary Loan for Elementary School Improvements**
  - **\$1.75 million Literary Loan for William Fleming High School**
- **FY07**
  - **\$3.75 million for Elementary School Improvements**
  - **\$1.2 million Literary Loan and \$2.55 million VPSA Bonds**
  - **\$34.4 million for General Obligation Bonds**
    - **Fire Station Replacement - \$4.0 million**
    - **Roanoke Center for Research and Technology/Carilion Biomedical Institute - \$5.4 million**
    - **Roanoke River Flood Reduction - \$5.0 million**
    - **William Fleming High School Improvements - \$20.0 million**
- **FY08**
  - **\$18.25 million VPSA Bonds for William Fleming High School**

**The following information was reviewed regarding Planned Debt Issuance for Enterprise Funds:**

- **FY04**
  - **\$14.3 million General Obligation Bonds for Phase II Civic Center Renovations**
    - **Funded by:**
      - **4% increase in the Admissions Tax rate on City owned facilities**
      - **Capital Improvements fee added to ticket prices for events at Civic Facilities**
      - **Net additional revenues from operations**
      - **\$23.63 million VWRLP Bonds for Water Pollution Control Plant Expansion**
  - **Funding provided by a rate increase to be effective July 1, 2003**

- **FY05**
  - **\$11 million for Stormwater Management**
    - **Funding proposed via a fee imposed as part of utility billing**
- **FY06**
  - **\$7.2 million in Church Avenue West Parking Garage Bonds**
    - **Funding proposed by increased revenues of the Parking Fund**

The following Assumptions on Debt and Funding of Debt Services was reviewed:

- **The City has traditionally funded debt service on General Obligation Bonds, whether for City or School projects.**
- **The Schools have traditionally funded debt service on VPSA Bonds and Literary Fund Loans.**
- **Capital Leases are considered tax supported debt of the City and are typically funded by the General Fund.**
- **In analyzing tax burden, all such debt is considered tax supported debt of Roanoke due to vesting of taxing authority in the City.**
- **Generally, debt of Proprietary Funds (Water, Water Pollution Control, Civic Center, Parking) is considered self supporting and excluded from debt burden calculations.**
- **General Obligation and Virginia Public School Authority bonds were amortized using level principal and an interest rate of six per cent.**
- **Literary Loans were amortized at an interest rate of three per cent.**
- **All debt amortized over 20 years.**
- **Funding for debt service increases based on the following assumptions:**
  - **Increased funding of debt service of an additional \$570,000.00 per year through FY10.**
  - **Dedication to debt service funding of incremental increases in EMS fees through FY06.**

Charts were reviewed detailing current and future General Fund Debt Service, Future General Fund Debt Service and Projected Funding for Debt Service and Future City and School Debt Service.

The Director of Finance reviewed the following debt policies:

- Non-proprietary general obligation debt service will not exceed ten per cent of General Fund expenditures.
- Net bonded debt will not exceed five per cent of the assessed value of real estate.
  - Net Bonded Debt is general obligation debt for the City and School Board, exclusive of Proprietary Fund debt and the amount available in the Debt Service Fund.
- Net debt per capita will not exceed \$2,000.00
  - Note: Ratios that follow include all non-Proprietary Fund debt - GO bonds, VPSA Literary Loans, QZAB, and Capital Leases.

Ratio of Debt Service to General and School Fund Expenditures (ten per cent)

	<u>City Projects</u>	<u>School Projects</u>	<u>Overall</u>
• FY 2000	3.5%	2.0%	5.5%
• FY2001	4.2%	2.5%	6.7%
• FY2002	4.1%	2.3%	6.4%
• FY2003	5.9%	2.9%	8.8%
• FY2004	5.2%	2.6%	7.8%
• FY2005	5.4%	3.0%	8.4%
• FY2006	5.3%	3.5%	8.8%
• FY2007	4.9%	3.5%	8.4%
• FY2008	4.6%	4.7%	9.3%
• FY2009	4.4%	4.7%	9.1%

Note: Assumes annual expenditure growth of four per cent.

**Ratio of Net Bonded Debt to Assessed Value of Real Estate (five per cent)**

	<u>City Projects</u>	<u>School Projects</u>	<u>Overall</u>
• FY 2000	2.2%	1.5%	3.7%
• FY 2001	2.0%	1.6%	3.6%
• FY 2002	2.8%	1.7%	4.%
• FY 2003	2.2%	1.4%	3.6%
• FY 2004	2.0%	1.4%	3.4%
• FY 2005	2.2%	2.0%	4.2%
• FY 2006	1.9%	1.9%	3.8%
• FY 2007	2.0%	2.1%	4.1%
• FY 2008	1.7%	2.2%	3.9%
• FY 2009	1.5%	2.0%	3.5%

Note: Assumes growth of four per cent in assessed value of real estate.  
 Net Bonded Debt Per Capita (\$2,000.00):

	<u>City Projects</u>	<u>School Projects</u>	<u>Overall</u>
• FY 2000	\$ 857.00	\$606.00	\$1,463.00
• FY 2001	\$ 820.00	\$646.00	\$1,466.00
• FY 2002	\$1,199.00	\$718.00	\$1,917.00
• FY 2003	\$1,107.00	\$684.00	\$1,791.00
• FY 2004	\$1,023.00	\$710.00	\$1,733.00
• FY 2005	\$1,167.00	\$1,063.00	\$2,230.00
• FY 2006	\$1,070.00	\$1,052.00	\$2,122.00
• FY 2007	\$1,127.00	\$1,230.00	\$2,357.00
• FY 2008	\$1,024.00	\$1,337.00	\$2,361.00
• FY 2009	\$ 916.00	\$1,241.00	\$2,157.00

**Debt Statistics of Urban Cities:**

Locality	General Obligation Bond Rating	Debt Service To General Fund Expenditure	Net Bonded Debt To Assessed Value Real Estate	Net Bonded Debt Per Capita
Roanoke	AA	6.45%	4.40%	\$1,916
Richmond	AA/A1	6.96%	3.51%	\$1,985
Hampton	AA	5.69%	2.90%	\$1,107
Lynchburg	AA	6.07%	2.97%	\$1,248
Newport News	AA	7.70%	5.60%	\$2,289
Norfolk	AA/A1	9.04%	3.41%	\$1,485

Portsmouth	AA-/A1	6.80%	6.39%	\$2,002
Roanoke Co.	AA	5.44%	1.71%	\$1,136

**Mr. Key reviewed charts in connection with a gap analysis of revenue and expenditure forecasts and significant contributing factors:**

	FY 2004	FY 2005	FY 2006	FY 2007
Local School Funding	\$ 2.129	\$3.560	\$5.071	\$6.635
Capital Improvements and Restoration of Capital Replacement in Operating Budget	1.606	2.708	3.809	4.910
Employee Fringe Benefits	1.033	1.778	2.230	2.704
Regional and Other Initiatives	0.734	1.162	1.170	1.178
Revenue Reductions	0.706	1.828	1.828	1.828
Totals (Millions)	\$6.208	\$11.035	\$14.108	\$17.255
Budgetary Gap (Millions)	\$4.350	\$9.176	\$12.343	\$15.145

**Budgetary options under consideration include:**

- **Revenues**
  - **Fiscal Year 2004**
    - **Levy a Short Term Rentals Tax to promote taxation equity**
    - **Increase the E911 Tax to partially offset the \$1.2 million “local cost” of the E911 Center and provide more staffing to handle the wireless E911 call workload mandated by the State but not adequately funded**
    - **Increase animal impoundment and boarding fees at the Regional SPCA**
    - **Levy a loose leaf collection fee to promote the more efficient and environmentally conscious bagged leaf collection program**
    - **Solid waste disposal fee to partially recover increased landfill tipping costs resulting from increased tonnage (due to successful bulk and brush programs) and landfill tipping fees**

- Fiscal Year 2005 and beyond
  - Provide new revenue streams

There was discussion in regard to phasing out the City's loose leaf collection program in which it was noted that some citizens view loose leaf collection as one of the basic services provided by the City for their tax dollars; the State has placed the City "between a rock and a hard place", and the time has come to either cut services or increase revenue; a possible solution is to identify revenue streams and those services that the City will provide locally, determine the cost to pay for the services, and increase revenue streams accordingly; and a number of services are provided that are not fundamental basic governmental services, such as the unnecessary televising of City Council meetings.

The following revenue options were reviewed by City staff:

Tax	Current Rate	Maximum Rate	Rate Change Impact
Real Estate	\$1.21	None	\$.01 = \$445,000
Personal Property	\$3.45	None	\$.01 = \$ 66,000
Utility Consumer	12% until January 2004	20%	1% = \$1,121,000
Cigarette (20 per pack)	\$.27	None	\$.01 = \$ 72,000
Transient Occupancy	7%	None	\$1% = \$306,000
Admissions	6.5%	None	1% = \$ 73,000
Prepared Food & Beverage	4%	None	1% = \$1,879,000
E-911	\$1.45	\$3.00	\$.01 = \$8,000
Motor Vehicle Decal	\$20	\$28.50	\$1 = \$89,000
Cable TV Utility	-----	7%	1% = \$210,000
Short-Term Rental	-----	1%	1% = \$150,000
Stormwater Management Fee	-----	None	\$1/month = \$500,000+

The following is a comparison of local tax rates for peer localities - fiscal year 2002 (Member localities of Virginia First Cities Coalition):

	Roanoke	First Cities	All Cities	Roanoke Co.
Real Estate	\$1.21/\$1.11	\$1.31/\$1.18	\$1.03/\$0.93	\$1.12/\$1.03
Personal Property	\$3.45/\$2.69	\$3.96/\$3.18	\$3.61/\$2.79	\$3.50/\$2.73
Utility Consumer	12%	20%	17%	12%
Motor Vehicle License	\$20	\$25	\$21	\$20
E911	\$1.45	\$2.51	\$1.65	\$1.46
Prepared Food	4.0%	6.2%	5.0%	4.0%
Transient Occupancy	7.0%	7.4%	5.2%	5.0%
Cigarette (25 pack)	\$0.3375	\$0.3192	\$0.3200	\$0.0000
Admissions	6.5%	8.3%	7.2%	5%

**Note: Split rates for Real Estate and Personal Property Taxes denote differences in nominal and effective tax rates based on assessment/sales ratio and assessment basis, respectively.**

In order to close the gap, staff reviewed the following budgetary options under consideration:

- **Expenditures for Fiscal Year 2004**
  - Pass through State revenue reductions to appropriate departments
  - Reduce or defer employee salary increase
  - Unfunding of vacant positions where no service level reduction is likely to result, such as:
    - Fire-EMS due to a reduction in the required staffing factor (recent attrition has resulted in less senior staff requiring less leave time)
    - Parks and Recreation administrative staff
    - Solid Waste Management due to reassignment of duties
  - Reassignment or elimination of 21 positions recommended by departments

- Downsizing of the vehicular fleet
- Service level reductions such as:
  - Vacating alleys not needed for primary access or solid waste collection
  - Elimination of commercial solid waste collection and/or modification of the Central Business District solid waste collection system
  - Modification of Mounted Patrol Program from a “full-time” unit to a “special events” unit
- Deferral of capital replacement funding

Council Member Bestpitch requested that the City Manager initiate a process to identify all of the paper alleys in the City of Roanoke which could be added to the City’s tax base; whereupon, the City Manager advised that a study could be conducted which would take approximately two years to complete.

Mr. Bestpitch requested information on comparative costs for commercial refuse collection in the City of Salem versus the City of Roanoke.

Council Member Carder expressed concern with regard to modification to the mounted patrol program from a “full time” unit to a “special events” unit. He advised that the mounted patrol unit has been a visible marketing and crime prevention tool and citizens feel the freedom to talk with mounted patrol officers about their neighborhoods.

The City Manager encouraged Council Members to offer suggestions on other budget consideration options. She advised that the above referenced suggestions came out of the budget process from individual City departments and the Budget Committee is in the process of reviewing the suggestions.

A suggestion was made that a question be included on the annual Citizens Survey encouraging citizens to prioritize City services and to identify those services that they would be willing to pay for. It was also suggested that the question be posted on the City’s web site for response by citizens.

Charts were reviewed for the fiscal years 1991 - 2001 comparing Roanoke with peer localities in regard to local tax revenue growth, local revenue growth, State revenue growth (including schools), total revenue growth (including schools), and expenditure growth (including schools).

A comparison of peer localities in regard to expenditures per capita - fiscal year 2001, is as follows:

Hampton	\$2,397.00
Roanoke Co.	\$2,561.00
Newport News	\$2,722.00
All Cities	\$2,761.00
Roanoke	\$2,790.00
Norfolk	\$2,873.00
Portsmouth	\$3,075.00
Lynchburg	\$3,114.00
Richmond	\$3,413.00

The following are comparisons with peer localities, fiscal stress - FY2000

- Commission on Local Government assesses the level of fiscal stress for Virginia localities annually using three primary indicators:
  - Revenue capacity
  - Revenue effort
  - Median adjusted gross income
- A composite fiscal stress score is developed for each locality.
  - It is not an indicator of financial hardship, but it does indicate the relative fiscal stress of each locality.

Roanoke's fiscal stress ranking are as follows:

- Average Revenue Capacity - 69<sup>th</sup> of 135 localities, with a ranking of one representing the lowest capacity.
- High Revenue Effort - 14<sup>th</sup> of 135 localities, with a ranking of one representing the highest effort.
- Low Median Adjusted Gross Income - 29<sup>th</sup> of 135 localities, with a ranking of one representing the lowest income.
- High Fiscal Stress - 15<sup>th</sup> of 135 localities, classified as having "high fiscal stress" along with most other First Cities peer localities. Salem is classified "above average stress" and Roanoke County is classified "below average stress".

It was advised that Virginia's fiscal stress "top 20 list" for fiscal year 2000 is as follows:

- |                        |                  |
|------------------------|------------------|
| 01. Norfolk            | 12. Hampton      |
| 02. Emporia            | 13. Martinsville |
| 03. Hopewell           | 14. Lynchburg    |
| 04. Covington          | 15. Roanoke      |
| 05. Portsmouth         | 16. Galax        |
| 06. Petersburg         | 17. Buena Vista  |
| 07. Greensville County | 18. Bedford      |
| 08. Clifton Forge      | 19. Danville     |
| 09. Newport News       | 20. Norton       |
| 10. Buchanan County    | 21. Richmond     |
| 11. Bristol            |                  |

It was explained that in a summary of comparisons with peer localities Roanoke's historical growth rates for revenues and expenditures are slightly less than, but do not differ significantly from:

First Cities peer governments  
All Virginia cities  
Roanoke County

- Reduced revenue forecasts in the next several years due to slowed local economic conditions, the Commonwealth's budget problems and possible Federal budget reductions will present a significant financial challenge as the City attempts to:

- Retain a competitive employee compensation package
- Maintain quality services, including public schools
- Provide necessary capital maintenance, equipment replacement and technology advancement funding; and
- Address capital needs of the community

The City Manager requested that any items requiring additional discussion be included on the April 7, 2003 Budget and Planning Committee agenda and that the items be submitted to either the City Manager or to the Director of Management and Budget.

There being no further business, the Vice-Mayor declared the meeting adjourned at 11:55 a.m.

**A P P R O V E D**

**ATTEST:**

**Mary F. Parker**  
**City Clerk**

**C. Nelson Harris**  
**Vice-Mayor**

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**RALPH K. SMITH**  
Mayor

# CITY OF ROANOKE

## CITY COUNCIL

215 Church Avenue, S.W.  
Noel C. Taylor Municipal Building, Room 456  
Roanoke, Virginia 24011-1536  
Telephone: (540) 853-2541  
Fax: (540) 853-1145

**Council Members:**  
William D. Bestpitch  
William H. Carder  
M. Rupert Cutler  
Alfred T. Dowe, Jr.  
C. Nelson Harris  
Linda F. Wyatt

April 21, 2003

The Honorable Vice-Mayor and  
Members of the Roanoke City Council  
Roanoke, Virginia

Dear Members of Council:

I wish to request a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

Sincerely,

A handwritten signature in black ink, appearing to read "Ralph K. Smith".

Ralph K. Smith  
Mayor

RKS:sm

INTER  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_DEPARTMENTAL  
\_\_\_\_\_**MEMORANDUM****Youth Services  
Parks and Recreation Department**

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DATE: April 10, 2003  
TO: Stephanie Moon, Deputy City Clerk  
FROM: <sup>MNH</sup> Marion Vaughn-Howard, Program Manager  
SUBJECT: Youth Services Citizen Board

Mr. Thomas Winn, who has been a member of the Youth Services Citizen Board since December 1997, has expressed the need to resign from the Board due to family commitments. Please convey this information to City Council members.

Thank you.

pr

cc: Steven C. Buschor, Director of Parks & Recreation



**RALPH K. SMITH**  
Mayor

# CITY OF ROANOKE

## CITY COUNCIL

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C. Nelson Harris  
Linda F. Wyatt

April 21, 2003

The Honorable Mayor and Members  
of the Roanoke City Council  
Roanoke, Virginia

Dear Mayor Smith and Members of City Council:

Subject: 2003-04 RVTV Budget

The City of Roanoke, the County of Roanoke, and the Town of Vinton jointly operate Roanoke Valley Television (RVTV). The initial equipment and facilities for the television station were funded through a \$480,000 capital grant from Cox Communications. The station is located at the Jefferson Center and currently employs five full-time staff members. The staff produces videos and shows for the local governments and school systems and cablecasts them, along with government meetings, on Cox Communications' Channel 3.

On June 8, 1992, City Council approved the Roanoke Valley Regional Cable Television Agreement, which requires that the RVTV Operating Budget be approved by the governing bodies of the city, the county, and the town. Funding for the Operating Budget is shared by the three governments, based on the annual proportion of Cox subscribers located in each jurisdiction.

During 2002, RVTV produced 12 Inside Roanoke shows, 3 Roanoke Talk shows, 12 Spotlight on City Schools shows, 24 City Council meetings, and 22 original video productions for the City of Roanoke.

The Honorable Mayor and Members  
of the Roanoke City Council  
April 21, 2003  
Page 2

The Roanoke Valley Regional Cable Television Committee approved the attached RVTV Operating Budget for Fiscal Year 2003-04 at its April meeting. This budget amounts to \$273,614.00 and is a two percent increase from the current year's budget of \$267,885.00.

Cox Communications paid a five percent franchise fee to the local governments in 2001, which amounted to \$1,925,146.00. The local governments have traditionally agreed to allocate up to 20 percent of the franchise fees collected to the RVTV Operating Budget. For the coming year, that amount would be \$385,029.00. RVTV's requested budget of \$273,614.00 is \$111,415.00 less than that amount.

Cox calculates the percentage of subscribers in each locality (as of December 31, 2001) as follows:

<b>Locality</b>	<b>Subscribers</b>	<b>Percentage (%)</b>
City of Roanoke	32,295	55
Roanoke County	23,724	40
Town of Vinton	2,738	5

Based on these figures, each locality's contribution to the Operating Budget would be as follows:

<b>Locality</b>	<b>Contribution</b>
City of Roanoke	\$150,488.00
Roanoke County	\$109,446.00
Town of Vinton	\$ 13,681.00

On behalf of the City's representatives to the Roanoke Valley Regional Cable Television Committee, and as City Council's representative to the Committee, I am pleased to recommend that City Council approve the proposed RVTV budget for Fiscal Year 2003-04 in the amount of \$273,614.00, with the City's contribution totaling \$150,488.00.

Sincerely,



Alfred T. Dowe, Jr.  
Council Member

ATDjr:cls

Attachment

The Honorable Mayor and Members  
of the Roanoke City Council  
April 21, 2003  
Page 3

cc: Darlene L. Burcham, City Manager  
Jesse A. Hall, Director of Finance  
William M. Hackworth, City Attorney  
Mary F. Parker, City Clerk  
Barry L. Key, Director of Management and Budget  
Elaine Simpson, Station Manager, RVT  
Catherine McCollough, VP and GM, Cox Communications  
Gary E. Tegenkamp, Assistant City Attorney  
Chris L. Slone, Public Information Officer

To: Roanoke Valley Regional Cable Television Committee  
From: Elaine Simpson, Cable Access Director  
Date: April 3, 2003  
Re: FY 2003-2004 RVTV Budget Proposal

Attached is the budget proposal for Roanoke Valley Television FY 2003 –2004. The Cable T.V. Operations Committee reviewed the budget on Monday, February 10, 2003.

BACKGROUND INFORMATION:

Roanoke Valley Television, RVTV Channel 3, is a Government & Educational Access Station serving the City of Roanoke, Roanoke County, the Town of Vinton and their respective school systems. The operational budget for RVTV is provided by the three governments, based on the proportion of Cox customers located in each jurisdiction.

Currently, RVTV employs five full time staff members. The staff produces original videos, monthly television shows, and covers live government meetings.

Roanoke Valley Television produced the following for 2002 – 2003:

- **53 Original Television Shows**  
(12) Inside Roanoke, (12) Roanoke County Today, (12) Spotlight On City Schools, (11) Accent Excellence, (3) Roanoke Talk, (2) Roanoke County Business Partners, (1) Roanoke County Connections
- **58 Government Meetings**  
(24)Roanoke City Council, (23) Roanoke County Board of Supervisors and others
- **49 Original Video Productions**  
Ex. Instructional Rain Barrel Video, Roanoke County Schools Specialty Centers, Vinton Student Government Day, Roanoke City Schools Convocation

Additionally, Roanoke Valley Television covered numerous special events including ground breaking, ribbon cutting, and dedication ceremonies and news conferences.

The approximate rate for video production work in the private sector is **\$1,000 per finished minute**. Roanoke Valley Television produced a total of **102 Video Productions** last year for the three localities and their school systems.

### SUMMARY OF INFORMATION:

The proposed RVTV FY 2003 – 2004 operating budget is \$273,614.00, which is a \$5,729.00 (+2%) increase over last year's budget. The increase excluding Personal Services (Salaries, VRS, Dental etc.) from last year is none (0%).

This budget includes funding for closed captioning services for both the City Council and Board of Supervisors meetings.

Cable Television staff is carried on the County's payroll and benefit system and will receive the same salary increase and insurance costs as County employees.

### FISCAL IMPACT:

The total RVTV budget request is **\$273,614.00** which is a **\$5,729.00 increase** from last year or **+2%**. The **increase excluding Personal Services** (Health Insurance, Salaries, Dental etc.) from last year is **none (0%)**.

Cox Communications paid a 5% franchise fee to the local governments in 2002 which totaled **\$1,925,146.00**. The local governments have informally agreed to allocate up to 20% of the franchise fees collected to the RVTV Operating Budget. For the coming year, that amount would be **\$385,029.00**. RVTV is requesting a budget of **\$273,614.00** which is **\$111,415.00 less** than that amount.

Cox calculates the percentage of subscribers (December 31, 2002) in each locality as follows:

Locality	Subscribers	Percentage
City	32,295	55%
County	23,724	40%
Vinton	2,738	5%

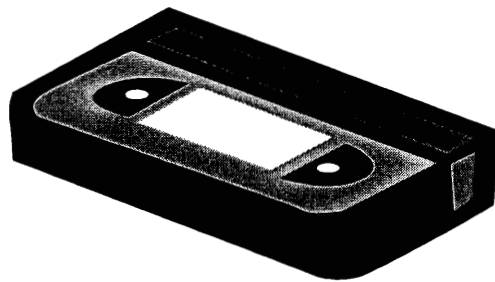
Based on those figures, each locality's contribution to an Operating Budget of **\$273,614.00** would be as follows:

	2002 – 2003 Budget	2003 – 2004 Budget
City	\$147,337	\$150,488
County	\$107,154	\$109,446
Vinton	\$13,394	\$13,681

**RECOMMENDATION:**

The Cable TV Operations Committee recommends that the Roanoke Valley Cable Television Committee approve the budget request in the amount of \$273,614.00.

*Roanoke Valley Television*  
*R.V.T.V. Channel 3*



**2003 - 2004**  
**Operating Budget**  
**Proposal**

## **RVTV 2002 Productions Edited Videos**

<b>Title</b>	<b>Client</b>	<b>Length</b>
ADA – It's Good For Business	Roanoke County	6:10
(3) Camp Roanoke PSAs	Roanoke County	:30 each
Car Seat Safety PSA	City of Roanoke	:30
Citizen of the Year PSA	City of Roanoke	:30
City Schools - Convocation Address	City Schools	30:00
County Band & Choir Showcase	County Schools	9:00
DARE Camp Music Video	City of Roanoke	9:00
Electives Options	County Schools	6:00
Employee Appreciation Music Video (Parks & Recreation)	City of Roanoke	18:00
Fire & EMS Info Session	City of Roanoke	1:00:00
(3) Focus on Crime Prevention	Roanoke County	6:30 each
HEAT Program PSA	City of Roanoke	:30
Human Resources Training Video	Roanoke County	12:00
Instructional Rain Barrel	City of Roanoke	21:00
Lifted Water Restrictions	City of Roanoke	11:00
Local VIP Marketing	County Schools	5:30
New Police Recruitment	City of Roanoke	12:00
National VIP Marketing	County Schools	5:30
Online Library Service	City/County	3:00
Online Library Service PSA	City/County	:30

## RVTV 2002 Productions Edited Videos

<b>Title</b>	<b>Client</b>	<b>Length</b>
Open Container PSA	City of Roanoke	:30
Renaissance Faire PSA	Roanoke County	:30
Roanoke County Orientation	Roanoke County	20:00
(6) R.V.T.V. Station I.D.'s	City/County	:10 each
Specialty Centers	County Schools	11:30
State of the City Address	City of Roanoke	42:00
State of the County Address	Roanoke County	51:30
(4) Substance Abuse PSAs	County Schools	:30 each
Summer Reading Program PSA	City of Roanoke	:30
Survivor Saturday PSA	City of Roanoke	:30
Tons of Fun PSA	Roanoke County	:30
Vehicle Theft PSA	City of Roanoke	:30
Vinton Student Government Day	Town of Vinton	14:30
Water Conservation	Town of Vinton	3:00
(3) Water Conservation PSAs	City of Roanoke	:30 each

## 2002 Shows

Total	Title	Client	Time
12	Inside Roanoke	City of Roanoke	28:50 each
12	Roanoke County Today	Roanoke County	26:50 each
12	Spotlight On City Schools	Roanoke City Schools	25:00 each
11	Accent Excellence	Roanoke County Schools	25:00 each
3	Roanoke Talk	City of Roanoke	29:00 each
2	Roanoke County Business Partners	County of Roanoke	29:00 each
1	Roanoke County Connections	County of Roanoke	29:00

## Total Productions

Total Productions	City of Roanoke	Roanoke County	Town of Vinton
102	49	51	2
Percentage	48%	50%	2%

## 2002 Meetings

### Totals

24

24

1

1

1

1

1

1

1

1

1

1

### Meetings

City Council Meetings

Board of Supervisors Meetings

Roanoke City Schools – School Board Interviews

City Council Budget Meeting (Civic Center)

City Police Department Accreditation Hearing

City Neighborhood Status Report Meeting

City Business Appreciation Breakfast

City Community Relations Conference

State of the City Address

State of the County Address

Roanoke County Investiture Ceremony

Roanoke County Student Government Day

## RVTV Productions 2001 & 2002

	2001	2002	Increase/Decrease
Video Productions	44	49	+5 (+11%)
Meetings	58	58	0
Shows	59	53	*-6 (-10%)

\* One show was cancelled this year, thus reflecting a decrease for this category.

## RVTV Proposed 2003 – 2004 Budget

	2002-2003 Budget	Proposed	Remaining Balance	% Expended
<b>1010 Regular</b> (Actual 143,091 + 2.5%)	<b>142,397.00</b>	<b>146,668.00</b>	<b>65,349.40</b>	<b>54.11</b>
<b>2100 FICA (Employer 7.65%)</b>	<b>10,893.00</b>	<b>11,220.00</b>	<b>5,281.53</b>	<b>51.51</b>
<b>2200 Retirement – VRS (7.5%)</b>	<b>10,680.00</b>	<b>11,000.00</b>	<b>5,314.32</b>	<b>50.24</b>
<b>2202 Deferred Comp Match</b>	<b>720.00</b>	<b>480.00</b>	<b>480.00</b>	<b>33.33</b>
<b>2300 Group Health Insurance</b> (Actual \$24,183)	<b>21,808.00</b>	<b>24,183.00</b>	<b>9,791.32</b>	<b>55.10</b>
<b>2310 Group Dental Insurance</b>	<b>946.00</b>	<b>904.00</b>	<b>575.68</b>	<b>39.15</b>
<b>2400 Life Insurance – VRS</b>	<b>1,282.00</b>	<b>.00</b>	<b>1,282.00</b>	<b>.00</b>
<b>3013 Professional Services – Other</b> (Closed Captioning, Dubbing etc.)	<b>25,000.00</b>	<b>26,000.00</b>	<b>11,357.80</b>	<b>54.57</b>
<b>3202 Repairs (Office Equipment)</b>	<b>100.00</b>	<b>.00</b>	<b>100.00</b>	<b>.00</b>
<b>3204 Repairs Vehicles (By Garage)</b>	<b>300.00</b>	<b>300.00</b>	<b>201.50</b>	<b>32.83</b>
<b>3209 Repairs (Other Equipment)</b>	<b>2,000.00</b>	<b>2,000.00</b>	<b>1,545.62</b>	<b>22.72</b>
<b>3305 Maintenance Service Contracts</b> (Telephone & Non-Linear Editing)	<b>720.00</b>	<b>2,220.00</b>	<b>182.88</b>	<b>74.60</b>
<b>5210 Postage</b>	<b>200.00</b>	<b>150.00</b>	<b>155.02</b>	<b>22.49</b>
<b>5230 Telephone</b>	<b>5,000.00</b>	<b>4,150.00</b>	<b>3,219.58</b>	<b>35.61</b>
<b>5235 Cellular Phones</b>	<b>350.00</b>	<b>480.00</b>	<b>168.45</b>	<b>51.87</b>
<b>5236 Pager Services</b>	<b>288.00</b>	<b>243.00</b>	<b>203.81</b>	<b>29.23</b>
<b>5305 Motor Vehicle Insurance (+ 5%)</b>	<b>1,300.00</b>	<b>1,365.00</b>	<b>1,300.00</b>	<b>.00</b>
<b>5308 General Liability Insurance</b>	<b>2,121.00</b>	<b>2,121.00</b>	<b>1,571.00</b>	<b>25.93</b>
<b>5410 Lease/Rent of Equipment</b>	<b>800.00</b>	<b>800.00</b>	<b>443.00</b>	<b>44.63</b>
<b>5420 Lease/Rent of Buildings</b>	<b>29,880.00</b>	<b>29,880.00</b>	<b>14,940.06</b>	<b>50.00</b>
<b>5501 Travel (Mileage)</b>	<b>200.00</b>	<b>200.00</b>	<b>127.85</b>	<b>36.08</b>
<b>5504 Travel (Convention &amp; Conf.)</b>	<b>200.00</b>	<b>.00</b>	<b>200.00</b>	<b>.00</b>
<b>5520 Dinner Meetings &amp; Luncheons</b>	<b>150.00</b>	<b>150.00</b>	<b>73.00</b>	<b>51.33</b>
<b>5540 Training &amp; Education</b>	<b>200.00</b>	<b>.00</b>	<b>200.00</b>	<b>.00</b>
<b>5801 Dues &amp; Association Membership</b>	<b>350.00</b>	<b>300.00</b>	<b>313.24</b>	<b>10.50</b>
<b>6010 Office Supplies – General</b>	<b>1,100.00</b>	<b>900.00</b>	<b>752.38</b>	<b>31.60</b>
<b>6013 Small Equipment &amp; Supplies</b>	<b>2,500.00</b>	<b>2,500.00</b>	<b>755.62</b>	<b>69.78</b>
<b>6014 Video Supplies</b>	<b>5,000.00</b>	<b>4,500.00</b>	<b>3,313.44</b>	<b>33.73</b>
<b>6080 Gas, Oil &amp; Grease</b>	<b>600.00</b>	<b>600.00</b>	<b>386.34</b>	<b>35.61</b>
<b>6091 Tires, Tubes Parts</b>	<b>300.00</b>	<b>300.00</b>	<b>251.44</b>	<b>16.19</b>
<b>6202 Subscriptions (Internet)</b>	<b>500.00</b>	<b>.00</b>	<b>282.50</b>	<b>43.50</b>
<b>Total</b>	<b>\$267,885.00</b>	<b>\$273,614.00</b>	<b>\$130,118.78</b>	<b>51.43</b>

**Increase from last year: \$5,729.00 or 2%**

**Increase Excluding Personal Services (Salaries, Dental etc.) is none (0%)**

\* Year to Date Expenditures

For the 06 Month Period Ended 12/31/02

# **RVTV Financial Report**

## **Current Account Balances as of December 31, 2002**

213200 (Operating Budget).....	\$130,118.78
213300 (Cox Cable Capital Grant) .....	\$116,268.42
213500 (RVTV Year-End Rollover Account) .....	\$147,287.37

Account 213500 (RVTV Year-End Rollover) represents the unused funds from the Operating Budget since 1991. RVTV does not lose these funds at the end of the fiscal year, rather they are rolled over into this savings account which will be used for capital purchases after the Capital Grant from Cox is depleted.

## **Cox Communications 2002 Franchise Fees**

## **Cox Communications 2002 Franchise Fees**

Cox Communications paid a 5% franchise fee to the local governments in 2002 which totaled **\$1,925,146.00**. The local governments have informally agreed to allocate up to 20% of the franchise fees collected to the RVTV Operating Budget. For the coming year, that amount would be **\$385,029.00**. RVTV is requesting a budget of **\$273,614.00** which is **\$111,415.00** less than that amount.

Cox calculates the percentage of subscribers (December 31, 2002) in each locality as follows:

<b>Locality</b>	<b>Subscribers</b>	<b>Percentage</b>
<b>City</b>	<b>32,295</b>	<b>55%</b>
<b>County</b>	<b>23,724</b>	<b>40%</b>
<b>Vinton</b>	<b>2,738</b>	<b>5%</b>

Based on those figures, each locality's contribution to an Operating Budget of **\$273,614.00** would be as follows:

	<b>2002 – 2003 Budget</b>	<b>2003 – 2004 Budget</b>
<b>City</b>	<b>\$147,337</b>	<b>\$150,488</b>
<b>County</b>	<b>\$107,154</b>	<b>\$109,446</b>
<b>Vinton</b>	<b>\$13,394</b>	<b>\$13,681</b>

## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION approving the recommendation of the Roanoke Valley Regional Cable Television Committee to approve the annual operating budget for Fiscal Year 2003-2004 for the operation of the regional government and educational access station, Roanoke Valley Television (RVTV, Channel 3), and for the City to provide partial funding.

WHEREAS, the Roanoke Valley Regional Cable Television Committee (Committee) has reviewed and approved the annual budget for the Fiscal Year 2003-2004 for the operation of RVTV and has requested that the City of Roanoke approve that budget; and

WHEREAS, the Committee is comprised of representatives from the City of Roanoke, Roanoke County, and the Town of Vinton and these jurisdictions have agreed to provide funding for the purposes for which the Committee was created, including the support of the operation of a regional government and educational access station, RVTV; and

WHEREAS, such jurisdictions have agreed to provide funding as provided for in the agreement creating the Committee and the Committee has recommended that the City of Roanoke provide partial funding to RVTV in the amount of \$150,488.00, which is within the limits provided for in the agreement; and

WHEREAS this Council desires to approve the recommendation of the Committee and provide partial funding as requested by the Committee.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The annual budget of \$273,614.00 for Fiscal Year 2003-2004 for the operation of the

regional government and regional educational access station, RVTv, as set forth in a letter to this Council dated April 21, 2003, is hereby approved.

2. The amount of \$150,488.00 will be provided by the City of Roanoke as its prorata share for the annual operational budget for RVTv for the Fiscal Year 2003-2004 as requested in the letter to this Council dated April 21, 2003.

ATTEST:

City Clerk.



**RALPH K. SMITH**  
Mayor

# CITY OF ROANOKE

## CITY COUNCIL

215 Church Avenue, S.W.  
Noel C. Taylor Municipal Building, Room 456  
Roanoke, Virginia 24011-1536  
Telephone: (540) 853-2541  
Fax: (540) 853-1145

**Council Members:**  
William D. Bestpitch  
William H. Carder  
M. Rupert Cutler  
Alfred T. Dowe, Jr.  
C. Nelson Harris  
Linda F. Wyatt

April 21, 2003

The Honorable Vice-Mayor and Members  
of the Roanoke City Council  
Roanoke, Virginia

Dear Members of Council:

We jointly sponsor a request of Steven S. Strauss regarding a petition to vacate right-of-way on Franklin Road, S. W., adjoining Official Tax No. 1300101, at the regular meeting of City Council on Monday, April 21, 2003, at 2:00 p.m.

Sincerely,

A handwritten signature in black ink, appearing to read "Ralph K. Smith".

Ralph K. Smith  
Mayor

A handwritten signature in black ink, appearing to read "Linda F. Wyatt".

Linda F. Wyatt  
Council Member

RKS:LFW:sm

pc: Darlene L. Burcham, City Manager



CITY CLERK '03 APR 15 PM 01:49

**STRUCTURES**

*Building with integrity*

April 11, 2003

5.b.

Mrs. Mary F. Parker, CMC  
City of Roanoke  
Office of City Clerk  
215 Church Avenue, SW  
Room 456  
Roanoke, VA 24011-2541  
Fax: 853-1145

*via fax & mail*

**Re: Vacation of Right of Way  
Franklin Road, Adjoining Tax Parcel 1300101  
File #514**

Dear Mrs. Parker,

In speaking with Bill Hackworth, he informed me that this correspondence should be addressed to you. I wanted to get this letter to you prior to the end of the day, as it is my understanding that the initial agenda for April 21, 2003 is set this coming Monday.

I would like to revisit the matter of vacating the right-of-way on Franklin Road that adjoins Official Tax Map Number 1300101 before City Council. This matter was last heard by City Council on August 19, 2002. Mr. Hackworth indicated that this matter could be added to the April 21, 2003 agenda for City Council to vote to reconsider this matter during the May 19, 2003 City Council meeting.

After the decision is made to re-hear this matter on May 19, 2003, Mr. Hackworth also suggested that appropriate two week advance advertising be done, as well as notify adjoining land owners of this action prior to the May 19, 2003 hearing.

During the first of next week, I will have a detailed explanation as to how specific issues raised by Council have been addressed regarding this vacation request. However, the most significant change that has occurred since the August 19, 2002 public hearing is that a Structures Design/Build entity has acquired the property and is now moving forward to develop the property. During the August 19, 2002 hearing Structures did not yet own the property. There was the perception that the property might not be developed if the right-of-way was not vacated.

It is my belief that the development of Tax Parcel 1300101 with the adjoining right-of-way being vacated would better serve the health, safety and welfare of the citizens of Roanoke City.

Sincerely,



Steven S. Strauss

SSS/kr

c: Mayor Ralph Smith  
Ms. Darlene Burcham, City Manager  
Mr. William M. Hackworth, City Attorney

**CITY OF ROANOKE**  
**OFFICE OF THE CITY MANAGER**

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Fax: (540) 853-1138  
CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

April 21, 2003

The Honorable Mayor  
and Members of City Council  
Roanoke, Virginia

Dear Mayor and Members of Council:

I would like to sponsor a request from John R. Hubbard with the Roanoke Valley Resource Authority, in which he will present their budget to Council Members at the regular meeting of City Council on Monday, April 21, 2003.

Respectfully submitted,



Darlene L. Burcham  
City Manager

DLB:sm

c: City Attorney  
Director of Finance  
City Clerk



## ROANOKE VALLEY RESOURCE AUTHORITY

---

March 26, 2003

Ms. Mary Parker, CMC  
City Clerk, City of Roanoke  
Municipal Building Room 456  
215 Church Avenue, SW  
Roanoke, VA 24011-1536

Dear Ms. Parker:

In accordance with the Member Use Agreement, the Resource Authority is submitting its 2003-2004 Annual Budget to the City Council for approval. Enclosed are copies of the 2003-2004 Budget for each member of the City Council.

A copy of the budget, along with the attached letter, have been sent to Ms. Burcham, requesting that she initiate action for approval of the budget by the City Council.

If you have any questions or if you need additional copies of the budget, please let me know. Your help with this matter is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read 'John'.

John R. Hubbard, P.E.  
Chief Executive Officer

cc: Bob Bengtson

WMT

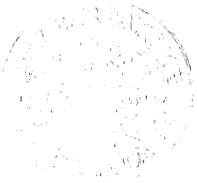
IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION approving the annual budget of the Roanoke Valley Resource Authority for Fiscal Year 2003-2004, upon certain terms and conditions.

BE IT RESOLVED by the Council of the City of Roanoke that the annual budget for the Roanoke Valley Resource Authority for Fiscal Year 2003-2004, in the amount of \$8,091,969 is hereby approved, all as more particularly set forth in a letter to the City Clerk, dated March 26, 2003, from John R. Hubbard, P.E., Chief Executive Officer, of the Roanoke Valley Resource Authority.

ATTEST:

City Clerk.



**CITY OF ROANOKE**  
**OFFICE OF THE CITY MANAGER**

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Fax: (540) 853-1138  
CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

April 21, 2003

Honorable Ralph K. Smith, Mayor, and Members of City Council  
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject: Briefing on Fiscal Year 2004  
Recommended Budget

This is to request space on Council's agenda for a 15 minute briefing on the above referenced subject.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Darlene L. Burcham", is written over a faint, circular official stamp.

Darlene L. Burcham  
City Manager

DLB:afs

c: William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Mary F. Parker, City Clerk

**CITY OF ROANOKE**  
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April 21, 2003

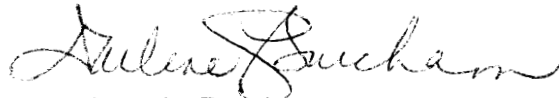
Honorable Ralph K. Smith, Mayor, and Members of City Council  
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject: White Buffalo Inc Briefing

This is to request space on Council's regular agenda for a 30-minute presentation on the above referenced subject.

Respectfully submitted,



Darlene L. Burcham  
City Manager

DLB:sm

c: City Attorney  
Director of Finance  
City Clerk

**CITY OF ROANOKE**  
**OFFICE OF THE CITY MANAGER**

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April 21, 2003

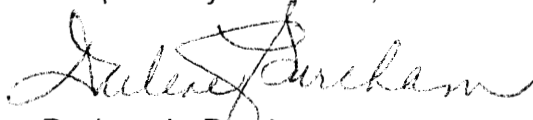
Honorable Ralph K. Smith, Mayor, and Members of City Council  
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject: Urban Forestry Briefing

This is to request space on Council's regular agenda for a 10-minute presentation on the above referenced subject.

Respectfully submitted,



Darlene L. Burcham  
City Manager

DLB:sm

c: City Attorney  
Director of Finance  
City Clerk



**CITY OF ROANOKE**  
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April 21, 2003

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Vice-Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable William H. Carder, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Special Meetings of City  
Council

Background:

The Budget Study Calendar previously adopted by City Council for the Fiscal Year 2003-04 budget requires that two special meetings be held:

- May 1, 2003 at 7 p.m. – Public Hearing on the Recommended Fiscal Year 2003-04 City Budget, the Recommended Fiscal Year 2003-04 HUD Budget, and various local tax rates and fees
- May 12, 2003 at 9 a.m. - Adoption of the Recommended Fiscal Year 2003-04 Budget and approval of required budget ordinances and resolutions necessary for the proper administration of the budget

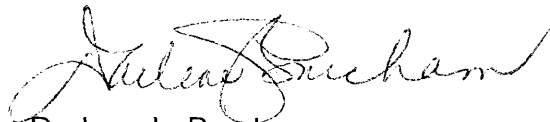
Considerations:

Section 10 of the Roanoke City Charter requires that City Council officially call these special meetings at the dates and times specified.

Recommended Action:

City Council approve the holding of the Special Meetings on May 1, 2003, at 7:00 p.m. and May 12, 2003, at 9:00 a.m., by adopting the attached resolution.

Respectfully submitted,

A handwritten signature in cursive script, reading "Darlene L. Burcham".

Darlene L. Burcham  
City Manager

DLB:blk

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Barry L. Key, Director of Management and Budget

CM03-00060

WMM

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION establishing the dates and times for two Special Meetings of the Council of the City of Roanoke.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. A Special Meeting of City Council shall be held on May 1, 2003, commencing at 7:00 p.m., in the Exhibit Hall, Civic Center, 710 Williamson Road, N.W., Roanoke, Virginia, for the purpose of holding public hearings as to the Recommend Budget for Fiscal Year 2003-2004, HUD Funds, effective tax increases, and conducting a public hearing on proposed increases in sewage treatment charges and elimination of certain sewage treatment charges, admissions tax rate increase for certain facilities, E-911 tax rate, and proposed imposition of a daily rental property tax

2. A Special Meeting of City Council shall be held on May 12, 2003, commencing at 9:00 a.m., in Council Chambers, 4<sup>th</sup> Floor of the Noel C. Taylor Municipal Building, at 215 Church Avenue, S. W., Roanoke, Virginia, for the purpose of:

- adopting the proposed annual budget for the City of Roanoke for Fiscal Year 2003-2004

- adopting the annual update to the HUD consolidated plan
- adopting a pay plan ordinance
- adopting ordinance establishing annual salaries of Council-appointed officers
- adopting an ordinance establishing a salary supplement for Constitutional officers
- adopting an ordinance establishing a pay raise for Council members
- endorsing an update to the Capital Improvements Program
- adopting an ordinance increasing the City's admissions tax applicable to certain City-owned facilities
- adopting an ordinance providing an increase in the E-911 tax rate
- adopting an ordinance imposing a short-term rental tax rate of 1%
- adoption of measures amending the City's Fee Compendium to raise animal impoundment fees, library copy fees, parking fees, certain sewage treatment charges, certain solid waste collection fees and elimination of certain other solid waste collection fees and sewage treatment fees
- adoption of an ordinance granting a cost-of-living allowance increase for City retirees

3. The City Clerk is hereby directed to take whatever steps are deemed necessary to notify the public of the times and places of such Special Meetings.

ATTEST:

City Clerk.



## CITY OF ROANOKE OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building  
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April 21, 2003

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable William H. Carder, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Acceptance of Property – Shenandoah  
Avenue – Tax Map #2732301

The owner of property located at the corner of Shenandoah Avenue and Westside Boulevard, Stevens Farm Trust, has offered to donate to the City an adjacent parcel containing approximately .6 acres of land. See Attachment #1. The property is located to the south of Strauss Park and would extend the Park to the adjacent roadway. It is also wooded and is in keeping with our Urban Forestry Plan Goal to maintain as much tree canopy as possible citywide. If this land were to be developed trees would most surely be removed. The estimated additional maintenance costs are minimal. See Attachment #2 for map showing parcel.

### Recommended Action:

Authorize the City Manager to accept the donation of property identified by Tax Map #2732301, subject to a satisfactory environmental site inspection, and to execute any and all documents approved as to form by the City Attorney necessary to effect such a transfer.

Respectfully submitted,

  
Darlene L. Burcham  
City Manager

DLB/SEF

Attachment

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Philip C. Schirmer, City Engineer  
Steven Buschor, Director, Parks and Recreation  
Morton C. Rosenberg, P. O. Box 4563, Roanoke, VA 24015

#CM03-00059

## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

55  
4/10/03

A RESOLUTION accepting the donation of a .6 acre parcel of property, located at the corner of Shenandoah Avenue and Westside Boulevard, identified by Tax Map No. 2732301, from the Stevens Farm Trust, and expressing appreciation for such donation.

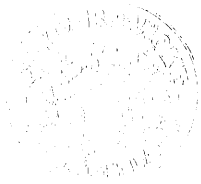
WHEREAS, the Stevens Farm Trust has offered to donate a .6 acre parcel of property to the City.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. This Council hereby accepts the donation of a .6 acre parcel of property, located at the corner of Shenandoah Avenue and Westside Boulevard, identified by Tax Map No. 2732301, as more fully described in the City Manager's letter dated April 21, 2003, to City Council, subject to a satisfactory environmental site inspection.
2. The City Manager is hereby authorized to execute any documents necessary to effect such transfer and accept such gift, such documents to be approved as to form by the City Attorney.
3. This Council wishes to express its appreciation and that of the citizens of the City of Roanoke to the Stevens Farm Trust for its generous donation to the City.
4. The City Clerk is directed to transmit a copy of this resolution to Mr. Harvey Lutins, Trustee, of the Stevens Farm Trust, expressing the City's appreciation for this donation.

ATTEST:

City Clerk.



## CITY OF ROANOKE OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364  
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Telephone: (540) 853-2333  
Fax: (540) 853-1138  
CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

April 21, 2003

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable William H. Carder, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr. Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: State Asset Sharing and Federally  
Forfeited Property Sharing

### Background:

In 1991, the Virginia General Assembly passed State legislation allowing local law enforcement to seize and have forfeited property connected with illegal narcotics distribution. The law also makes it possible for police departments to receive proceeds from these forfeited properties. Application for an equitable share of the property seized by local law enforcement must be made to the Department of Criminal Justice Services, Forfeited Asset Sharing Program and certified by the Chief of Police. Property, including funds shared with State and local agencies, may be used only for law enforcement purposes. Program requirements mandate that these funds be placed in an interest bearing account and the interest earned be used in accordance with program guidelines. Revenues totaling \$13,274 have been collected and are available for appropriation in Grant Fund account numbers 035-640-3302-3300 and 035-640-3302-3299.

In 1986, Congress authorized the transfer of certain federally forfeited property to state and local law enforcement agencies that participated in the investigation and seizure of the property. Application for an equitable share of property seized by local law enforcement must be made to the U.S. Department of Justice and certified by the City attorney. This property, including funds shared with state and local agencies, may be used only for the purpose stated in the application, i.e., narcotics investigations related to law enforcement. Participation in federally forfeited property enhances the effectiveness of narcotics investigations by providing necessary investigations equipment and investigative funds, offsetting the costs that would otherwise have to be

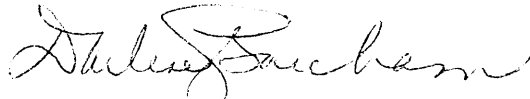
borne by the city's taxpayers. The Police Department receives funds periodically from the federal government's asset sharing program. Grant requirements state that these funds be placed in an interest bearing account and the interest earned be used in accordance with program guidelines. Revenues totaling \$11,793 have been collected and are available for appropriation in Grant Fund accounts 035-640-3304-3305 and 035-640-3304-3306.

Recommended Actions:

Appropriate \$13,274 to the Grant Fund account for Overtime Wages 035-640-3302-1003 and increase the Grant Fund revenue estimate for account 035-640-3302-3300 by \$13,004 and 035-640-3302-3299 by \$270.

Appropriate \$11,793 to the Grant Fund account for Investigations and Rewards 035-640-3304-2150 and increase the Grant Fund revenue estimate for account 035-640-3304-3305 by \$11,736 and account 035-640-3304-3306 by \$57.

Respectfully submitted,



Darlene L. Burcham  
City Manager

DLB:fjd

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Rolanda B. Russell, Assistant City Manager  
A. L. Gaskins, Chief of Police

CM03-00057

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

**Appropriations**

Public Safety	\$	2,885,683
State Asset Forfeiture (1) .....		308,242
Federal Asset Forfeiture (2).....		371,550

**Revenues**

Public Safety	\$	2,885,683
State Asset Forfeiture (3-4) .....		308,242
Federal Asset Forfeiture (5-6) .....		371,550

1) Overtime Wages	(035-640-3302-1003)	\$	13,274
2) Investigations and Rewards	(035-640-3304-2150)		11,793
3) State Asset Forfeiture Proceeds	(035-640-3302-3300)		13,004
4) Interest	(035-640-3302-3299)		270
5) Federal Asset Forfeiture Proceeds	(035-640-3304-3305)		11,736
6) Interest	(035-640-3304-3306)		57

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



Gloria P. Manns, Chairman  
Ruth C. Willson, Vice Chairman  
F. B. Webster Day

Marsha W. Ellison  
William H. Lindsey  
Melinda J. Payne

Robert J. Sparrow  
E. Wayne Harris, Ed.D., Superintendent  
Cindy H. Lee, Clerk of the Board

Roanoke  
City School Board P.O. Box 13145, Roanoke, Virginia 24031 • 540-853-2381 • Fax: 540-853-2951

April 21, 2003

The Honorable Ralph K. Smith, Mayor  
and Members of Roanoke City Council  
Roanoke, VA 24011

Dear Members of Council:

As the result of official School Board action at its April 15 meeting, the Board respectfully requests City Council to approve the appropriation of \$1,558,495.00 in Capital Maintenance and Equipment Replacement Funds for the following requirements: the replacement of school copier equipment; the replacement of administrative technology equipment; the purchase of site-based instructional technology equipment; the replacement of six school buses; the purchase of a special education transportation vehicle; the purchase of facility maintenance equipment; improvements to the Human Resources office; and the additional construction cost of the transportation facility.

The School Board appreciates your approval of this request.

Sincerely,

Cindy H. Lee, Clerk

re

cc: Mrs. Gloria P. Manns  
Dr. E. Wayne Harris  
Mr. Richard L. Kelley  
Mr. Kenneth F. Mundy  
Mr. William L. Murray

Mrs. Darlene Burcham  
Mr. William M. Hackworth  
Mr. Jesse A. Hall  
Mr. Jim Wells (with accounting details)



# CITY OF ROANOKE

## DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461

P.O. Box 1220

Roanoke, Virginia 24006-1220

Telephone: (540) 853-2821

Fax: (540) 853-6142

**JESSE A. HALL**

Director of Finance

email: jesse\_hall@ci.roanoke.va.us

April 21, 2003

**ANN H. SHAWVER**

Deputy Director

email: ann\_shawver@ci.roanoke.va.us

The Honorable Ralph K. Smith, Mayor  
 The Honorable C. Nelson Harris, Vice Mayor  
 The Honorable William D. Bestpitch, Council Member  
 The Honorable William H. Carder, Council Member  
 The Honorable M. Rupert Cutler, Council Member  
 The Honorable Alfred T. Dowe, Jr., Council Member  
 The Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

We have reviewed the attached request to appropriate funding for the School Board. This report will appropriate the following:

As the result of official School Board action at its April 15 meeting, the Board respectfully requests City Council to approve the appropriation of \$1,558,495 in Capital Maintenance and Equipment Replacement Funds for the following requirements: the replacement of school copier equipment; the replacement of administrative technology equipment; the purchase of site-based instructional technology equipment; the replacement of six school buses; the purchase of a special education transportation vehicle; the purchase of facility maintenance equipment; improvements to the Human Resources office; and the additional construction cost of the transportation facility.

I recommend that you concur with this report of the School Board.

Sincerely,

Jesse A. Hall  
 Director of Finance

Attachment

JAH/g

c: Darlene L. Burcham, City Manager  
 William M. Hackworth, City Attorney  
 Mary F. Parker, City Clerk  
 E. Wayne Harris, Superintendent of City Schools

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 School Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 School Fund Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

**Appropriations**

Education	\$138,201,179
Facilities (1-7) .....	3,689,818

**Fund Balance**

Reserved for CMERP – Schools (8) .....	\$ 606,243
--	------------

1) School Equipment Replacement	(030-065-6006-6100-0801)	\$ 4,995
2) Technology Equipment Replacement	(030-065-6006-6202-0806)	250,000
3) Technology Equipment Replacement	(030-065-6006-6302-0806)	210,252
4) School Bus Replacement	(030-065-6006-6676-0808)	285,000
5) Transportation Vehicle	(030-065-6006-6676-0824)	11,595
6) Facility Maintenance Equipment	(030-065-6006-6681-0821)	156,653
7) Buildings	(030-065-6006-6896-0851)	640,000
8) Reserved for CMERP-Schools	(030-3324)	(1,558,495)

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

CITY CLERK \*03 MAR 10 PM 0633



0

03/10/2003 05:57 PM

To: clerk@ci.roanoke.va.us  
cc:  
Subject: Shining Star Award Nomination

Below is the result of your feedback form. It was submitted by  
( ) on Monday, March 10, 2003 at 17:57:10

-----

Nominee\_Last\_Name: Wert

Nominee\_First\_Name: Vicki

Nominee\_Street: 1160 Overland Road

Nominee\_City: Roanoke, Virginia

Nominee\_Zip: 24015

Nominee\_Phone: 853-2351

Nominee\_Email: haywagon2@aol.com

NominedBy\_Last\_Name: Fifer

NominedBy\_First\_Name: Jordan

NominedBy\_Street: 3736 Heritage Road

NominedBy\_City: Roanoke, Virginia

NominedBy\_Zip: 24015

NominedBy\_Phone: 344-8195

NominedBy\_Email: jordan@fifer.net

Nomination\_Reason: As a student, I have witness firsthand Ms. Wert's great teaching skills and her passion for helping others. Every student who has her Civics/Economics class in 8th grade is very eager to get to her class, and we all pay attention to every detail spoken. Ms. Wert's a typical method of teaching may seem odd to others, but to those who encounter it daily, such as my peers and I at school, know the true benefits of having a teacher like Ms. Wert. She is an inspiration to others, and deserves this award greatly.

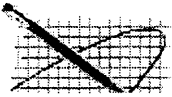
Relationship: I am the second child in my family to have Ms. Wert has a teacher.

I am currently in the 8th grade at James Madison Middle School.

(I realize that typically recipients of the Shining Star Award are notified by e-mail or phone, and presented it at City Council meetings, however, is it possible to notify me instead if she is indeed a recipient? I am trying to arrange the award presented to her at school, and would like it to be a surprise. Thank you.)

-----

CITY CLERK \*03 MAR 10 AM 08:23



0

03/09/2003 11:07 PM

To: clerk@ci.roanoke.va.us

cc:

Subject: Shining Star Award Nomination

Below is the result of your feedback form. It was submitted by  
( ) on Sunday, March 9, 2003 at 23:07:25

Nominee\_Last\_Name: Gleiner

Nominee\_First\_Name: Alan

Nominee\_Street: 730 Welton Ave., S.W

Nominee\_City: Roanoke, VA

Nominee\_Zip: 24015

Nominee\_Phone: 342-4427

NominedBy\_Last\_Name: Roanoke Neighborhood Partnership

NominedBy\_First\_Name: Barbara Duerk, Greenway Committee Chair

NominedBy\_Middle\_Name: Norris

NominedBy\_Street: 2607 Rosalind Ave., S.W.

NominedBy\_City: Roanoke, VA

NominedBy\_Zip: 24014

NominedBy\_Phone: 343-1616

NominedBy\_Email: barbgary@rev.net

Nomination\_Reason: Alan Gleiner has been involved in transportation planning issues in the Roanoke Valley for many years. He has volunteer countless hours to the update of the County Comprehensive plan and the plans steering committee.

He has recently moved into the city (divorced wife Nancy who still lives in the county. Children are grown.) and now lives on Welton in the Wasena Neighborhood with his new wife and baby that was born in December.

Alan is producer at Channel 7. He graciously volunteered his time, talents and community contacts to provide an permanent record of Ian Lockwood's visit to Roanoke.

Lockwood presented a lecture to Neighborhood groups at Addison Middle School. The talk included examples of road design, gave descriptions of how communities were transformed with traffic patterns were changed and how neighborhoods benefited from redesigning community major and minor roads.

Alan not only videoed the presentation but because of poor lighting, incorporated the slides into the video. Alan has connections with the Media center at Roanoke College. The equipment was available to use because of

Alan's connections.

Because of his professional technical expertise, the Roanoke Neighborhood Partnership has:

a high quality digital master tap from which other VHS tapes can be made, VHS tapes, and  
a copy of the presentation of DVD.

Alan volunteered his time, talent and energies. The Roanoke Neighborhood Partnership felt that an honorarium for his hours of work (40+) hours, plus his contacts that allowed use of technical equipment, was NOT enough.

Alan, is new to the city although he has lived in the valley form many, many years. He is delighted to be able to contribute, through his work for the Roanoke Neighborhood Partnership, to Neighborhood leaders, city staff, business leaders and local planning consultants, a traffic calming teaching tool.

The city has benefited from nationally recognized traffic consultant Ian Lockwood's visit to Roanoke.

Because of the time, energy and talents contributed by Alan Gleiner, Roanoke has a record of Lockwood's visit.

Because of Alan Gleiner, the citizen's of Roanoke will be able to better understand the benefits of traffic calming.....and city staff will be able to renew their skills on how to implement the changes in changes in Roanoke.

Because of Alan Gleiner the Roanoke Neighborhood Partnership Steering Committee, City employees and the people who work, live and visit Roanoke have a win, win, win that will provide immediate benefit and direction for the future.

In honor and appreciation for work voluntarily contributed for the betterment of the City, The Roanoke Neighborhood Partnership Steering Committee nominates Alan Gleiner for the Shining Star Award.

Relationship: Alan and I worked together on the Roanoke County Comprehensive Plan Steering Committee. I know his 1st wife Nancy and their children.

This nomination is being submitted by me at the request of the Roanoke Neighborhood Partnership steering committee.

There is no way that we can pay Gleiner for the work he has done for the Partnership. He has provided a valuable tool for Neighborhood leaders, planners, developers, engineers, consultants and all the citizens of the value to use.

Thank you very much for considering this Shining Star request.

Sincerely,

Barbara N. Duerk, volunteer  
Roanoke Neighborhood Partnership

---

REMOTE\_ADDR: 12.26.101.191



**CITY OF ROANOKE**  
**PLANNING BUILDING AND DEVELOPMENT**

215 Church Avenue, S.W., Room 166  
Roanoke, Virginia 24011  
Telephone: (540) 853-1730 Fax: (540) 853-1230  
E-mail: [planning@ci.roanoke.va.us](mailto:planning@ci.roanoke.va.us)

Architectural Review Board  
Board of Zoning Appeals  
Planning Commission

April 21, 2003

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Vice Mayor  
Honorable William H. Carder, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable William D. Bestpitch, Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request from YMCA of Roanoke Valley, Inc., represented by Daniel F. Layman, Jr., attorney, that a 10 foot wide alley extending in a westerly direction for 110 feet, more or less, from 5<sup>th</sup> street, S.W., and lying between parcels bearing Official Tax Nos. 1113422 through 1113425, inclusive; and 1113417 through 1113419, inclusive, be permanently vacated, discontinued and closed.

**Planning Commission Action:**

Planning Commission public hearing was held on Thursday, March 20, 2003. By a vote of 7-0, the Planning Commission recommended approval of the requested closure.

**Background:**

The petitioner requests closure and vacation of this paper alley to construct a family recreational facility. The petitioner owns all of the adjoining property, and City Council approved a rezoning of these properties in December 2002 from C-1, Office District, to C-3, Central Business District.

Mr. Chrisman asked for an explanation for the recommendation not to charge the Petitioner for the alley. Staff replied that an agreement between the City and the Petitioner entailed an exchange of land and the Petitioner was obtaining the alley as part of that arrangement.

## Considerations:

The petitioner owns Official Tax Map Numbers 1113401, 1113408 – 1113412, inclusive, and 1113414 – 1113425, inclusive. The petitioner plans to construct a new YMCA recreational facility on the site of these parcels and including the alley. The subject alley is bounded by Official Tax Map Numbers 1113417, 1113418, 1113419, and 1113422 – 1113425, inclusive.

All of the petitioner's properties are zoned C-3, Central Business District, as are the adjoining properties to the south and east. To the north of the proposed site, properties on the south side of Campbell Avenue are zoned C-1, Office District. Several properties to the southwest on the southern side of Luck Avenue are also zoned LM.

The petitioner's current location at 425 Church Avenue, S.W., is adjacent to the proposed site. Aside from it, the proposed site is surrounded by various office uses to the east and north, the Jefferson Center to the west, and parking lots to the south. Currently the paper alley and the petitioner's properties comprise a gravel parking lot that serves YMCA customers and City of Roanoke employees.

The area is served by public utilities. A sanitary sewer line lies under the alley. Staff received comments from American Electric Power (AEP), Verizon and Roanoke Gas, all of whom stated no objection to the request. AEP stated that it has facilities in the alley and would need to maintain a public utility easement. Verizon stated that it has no objection to the proposed closure provided that its existing buried cable and pedestals be grandfathered and shown as a 15-foot public utility easement. Verizon further stated that if the YMCA needs to remove the telephone plant they would be responsible for the cost of removal.

Staff received no comments in opposition to this request.

## Recommendation:

Planning Commission, by a vote of 7-0, recommended approval of the petitioner's request to vacate, discontinue and close the subject alley, subject to the conditions listed below. The Planning Commission recommended that the petitioner not be charged for this vacated right-of-way.

- A. The applicant shall submit a subdivision plat to the Agent for the Planning Commission, receive all required approvals of, and record the plat with the Clerk of the Circuit Court for the City of Roanoke. Said plat shall combine all properties which would otherwise dispose of the land within the right of way to be vacated in a manner consistent with law, and retain appropriate easements for the installation and maintenance of any and all existing utilities that may be located within the right-of-way, including the right of ingress and egress.

- B. Upon meeting all other conditions to the granting of the application, the applicant shall deliver a certified copy of this ordinance for recordation to the Clerk of the Circuit Court of Roanoke, Virginia, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the petitioner, and the names of any other parties in interest who may so request, as Grantees. The applicant shall pay such fees and charges as are required by the Clerk to effect such recordation.
- C. Upon recording a certified copy of this ordinance with the Clerk of the Circuit Court of the City of Roanoke, Virginia, the applicant shall file with the Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.
- D. If the above conditions have not been met within a period of one year from the date of adoption of this ordinance, then said ordinance shall be null and void with no further action by City Council being necessary.

Respectfully submitted,

A handwritten signature in black ink that reads "Robert B. Manetta". The signature is fluid and cursive, with a stylized "R" and "M".

Robert B. Manetta, Chairman <sup>POST</sup>  
Roanoke City Planning Commission

cc: Darlene L. Burcham, City Manager  
Rolanda Johnson, Assistant City Manager for Community Development  
William M. Hackworth, City Attorney  
Steven J. Talevi, Assistant City Attorney  
Daniel F. Layman, Attorney for the Petitioner

VIRGINIA:

IN THE COUNCIL OF THE CITY OF ROANOKE

In re: VACATION OF AN ALLEY EXTENDING	)	APPLICATION
WEST FROM 5th STREET, S.W.	)	OF
BETWEEN LUCK AVENUE, S.W.,	)	YMCA OF ROANOKE
AND CHURCH AVENUE, S.W.,	)	VALLEY, INC.
IN THE CITY OF ROANOKE, VIRGINIA	)	

TO: The Honorable Mayor and Members of City Council

(1) YMCA of Roanoke Valley, Inc. ("Petitioner") applies to have an alley extending in a westerly direction from 5<sup>th</sup> Street, S.W. between Luck Avenue, S.W., and Church Avenue, S.W., in the City of Roanoke, Virginia, permanently vacated, discontinued, and closed pursuant to Section 15.2-2006, Code of Virginia, and Section 30-14, Code of the City of Roanoke (1979), both as amended. The alley to be closed is ten (10) feet wide, runs in an east-to-west direction for a distance of 110 feet through the middle of the block, and is bordered by lots bearing City of Roanoke Official Tax Nos. 1113419 (60 feet), 1113418 (45 feet), 1113417 (5 feet), 1113422 (10 feet), 1113423 (30 feet), 1113424 (40 feet), and 1113425 (40 feet). It is shown on the map attached to this Application as Exhibit A.

(2) Petitioner owns all of the lots on each side and at the western end of the alley and wishes to unify its property so that it may construct its new family recreational facility on the entire parcel, which is now partially split by the alley.

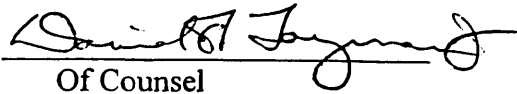
(3) All parcels bordering the alley have frontage on public streets and do not require the alley to provide access.

WHEREFORE, YMCA of Roanoke Valley, Inc. respectfully requests that the above-described alley be vacated, discontinued and closed by the Council of the City of Roanoke in accordance with Section 15.2-2006, Code of Virginia, and Section 30-14, Code of the City of Roanoke, both as amended to date.

Date: Jan 31, 2003

Respectfully,

YMCA of Roanoke Valley, Inc.

By   
Of Counsel

Daniel F. Layman, Jr.  
Woods, Rogers & Hazlegrove, P.L.C.  
P. O. Box 14125  
Roanoke, VA 24038  
(703) 983-7653  
Of Counsel for Petitioner

# CHURCH AVE, SW (40' R/W)

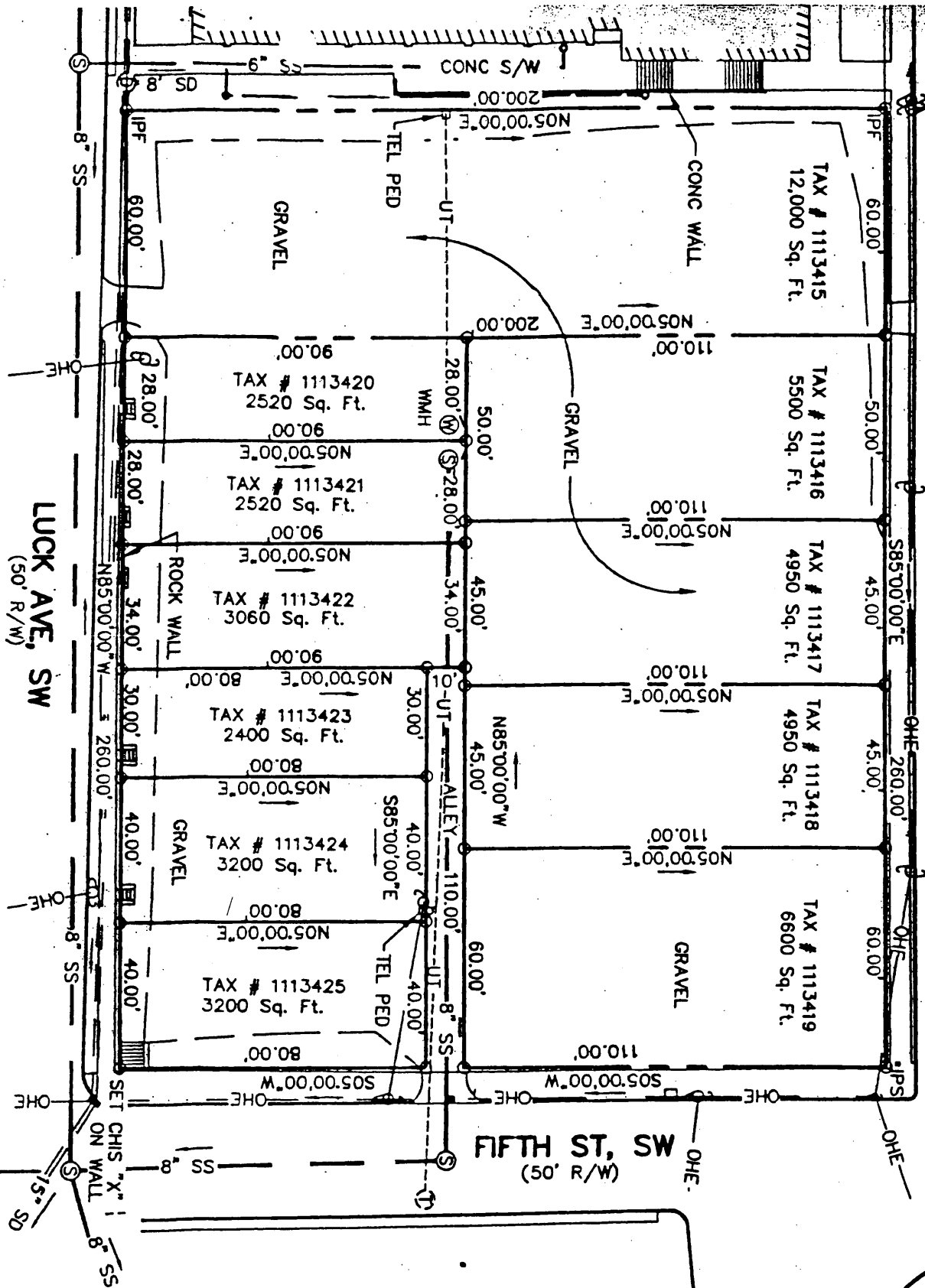
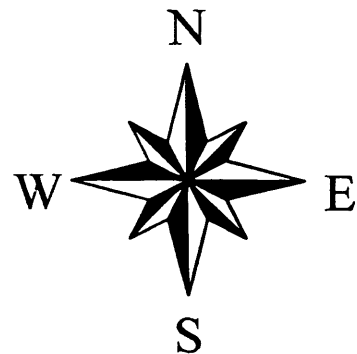
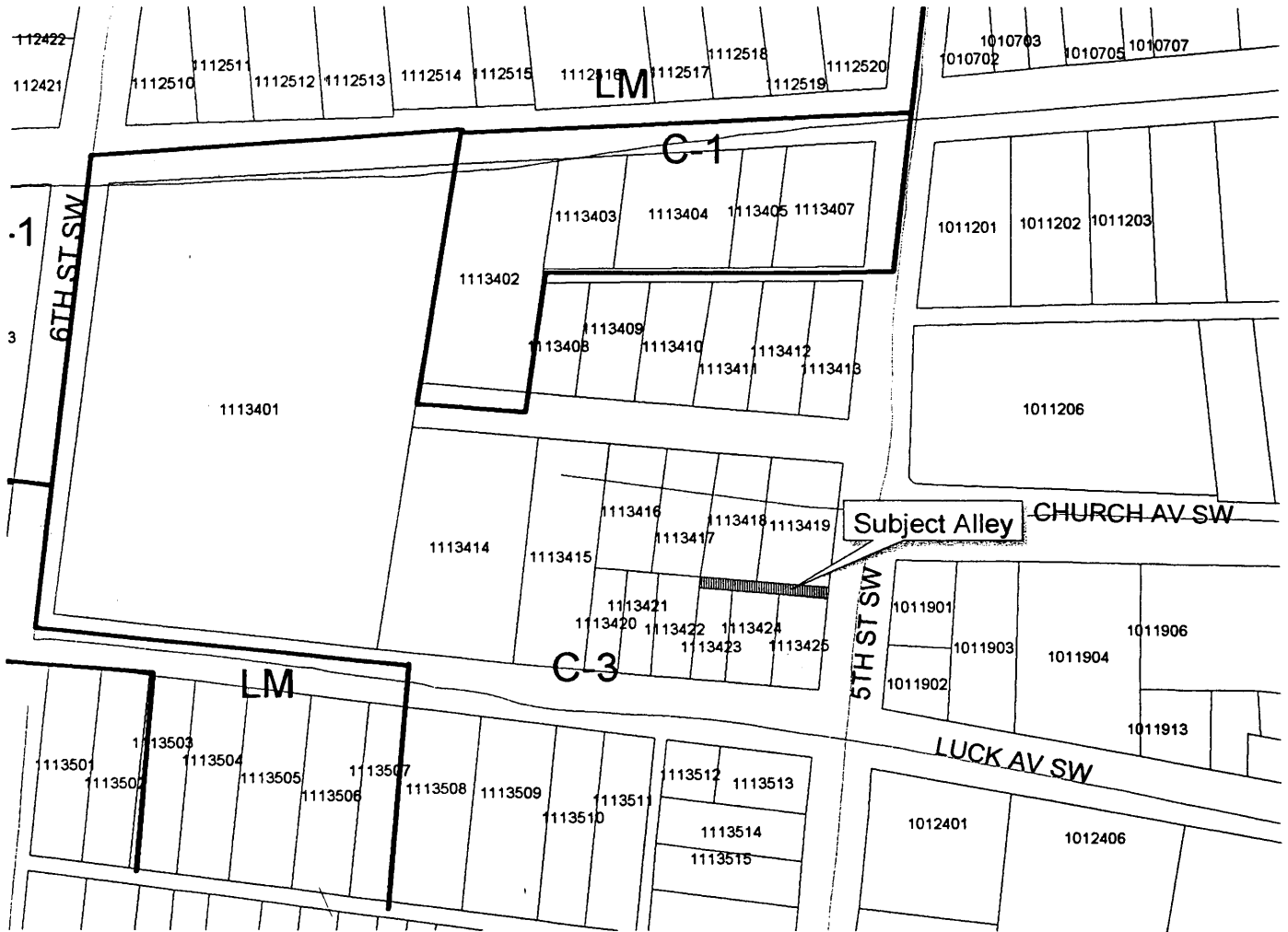


Exhibit A

# Alley Closure: 5th Street, SW



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE permanently vacating, discontinuing and closing a certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading of this ordinance.

WHEREAS, the YMCA of Roanoke Valley, Inc., filed an application to the Council of the City of Roanoke, Virginia, in accordance with law, requesting the Council to permanently vacate, discontinue and close the public right-of-way described hereinafter; and

WHEREAS, the City Planning Commission, after giving proper notice to all concerned as required by §30-14, Code of the City of Roanoke (1979), as amended, and after having conducted a public hearing on the matter, has made its recommendation to Council; and

WHEREAS, a public hearing was held on said application by the City Council on April 21, 2003, after due and timely notice thereof as required by §30-14, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on said application; and

WHEREAS, it appearing from the foregoing that the land proprietors affected by the requested closing of the subject public right-of-way have been properly notified; and

WHEREAS, from all of the foregoing, the Council considers that no inconvenience will result to any individual or to the public from permanently vacating, discontinuing and

closing said public right-of-way.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke, Virginia, that the public right-of-way situate in the City of Roanoke, Virginia, and more particularly described as follows:

A ten foot wide alley extending in a westerly direction for 110 feet, more or less, from 5th Street, S.W., and lying between parcels bearing Official Tax Nos. 1113422 through 1113425, inclusive; and 1113417 through 1113419, inclusive

be, and is hereby permanently vacated, discontinued and closed, and that all right and interest of the public in and to the same be, and hereby is, released insofar as the Council of the City of Roanoke is empowered so to do with respect to the closed portion of the right-of-way, reserving however, to the City of Roanoke and any utility company, including, specifically, without limitation, providers to or for the public of cable television, electricity, natural gas or telephone service, an easement for sewer and water mains, television cable, electric wires, gas lines, telephone lines, and related facilities that may now be located in or across said public right-of-way, together with the right of ingress and egress for the maintenance or replacement of such lines, mains or utilities, such right to include the right to remove, without the payment of compensation or damages of any kind to the owner, any landscaping, fences, shrubbery, structure or any other encroachments on or over the easement which impede access for maintenance or replacement purposes at the time such work is undertaken; such easement or easements to terminate upon the later abandonment of use or permanent removal from the above-described public right-of-way of any such municipal installation or

other utility or facility by the owner thereof.

BE IT FURTHER ORDAINED that the applicant shall submit to the Subdivision Agent, receive all required approvals of, and record with the Clerk of the Circuit Court for the City of Roanoke, a subdivision plat, with said plat combining all properties which would otherwise be landlocked by the requested closure, or otherwise disposing of the land within the right-of-way to be vacated in a manner consistent with law, and retaining appropriate easements, together with the right of ingress and egress over the same, for the installation and maintenance of any and all existing utilities that may be located within the right-of-way.

BE IT FURTHER ORDAINED that the applicant shall, upon meeting all other conditions to the granting of the application, deliver to the Clerk of the Circuit Court of the City of Roanoke, Virginia, a certified copy of this ordinance for recordation where deeds are recorded in said Clerk's Office, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the Petitioner, and the names of any other parties in interest who may so request, as Grantees, and pay such fees and charges as are required by the Clerk to effect such recordation.

BE IT FURTHER ORDAINED that the applicant shall, upon a certified copy of this ordinance being recorded by the Clerk of the Circuit Court of the City of Roanoke, Virginia, where deeds are recorded in said Clerk's Office, file with the City Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.

BE IT FURTHER ORDAINED that if the above conditions have not been met within a period of twelve (12) months from the date of the adoption of this ordinance, then said

ordinance shall be null and void with no further action by City Council being necessary.

BE IT FINALLY ORDAINED that pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



## **CITY OF ROANOKE OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364  
Roanoke, Virginia 24011-1591  
Telephone: (540) 853-2333  
Fax: (540) 853-1138  
CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

April 21, 2003

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable William H. Carder, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Conveyance of Jefferson  
Gym to YMCA

### Background:

The YMCA of Roanoke Valley, Inc., a non-profit organization, has expressed an interest in acquiring the property on which the Jefferson Gym is located. The YMCA is in need of a new facility to accommodate its expanding number of programs and replace the YMCA's existing facility.

### Considerations:

The Agreement as proposed by the YMCA, set out in Attachment A, specifies that the City of Roanoke transfer title to the YMCA with certain conditions. If the YMCA obtains the Jefferson Gym, the YMCA will make available some of its resources to our youth, including staff and various fitness and safety programs. This exchange will benefit and support the recently developed Roanoke Youth Initiative Program.

Recommended Action:

Following the public hearing, authorize the City Manager and the City Clerk to execute and attest, respectively, an Agreement in substantially the same form as Attachment A, and approved as to form by the City Attorney and any other documents necessary to implement the terms of the Agreement.

Respectfully submitted,



Darlene L. Burcham  
City Manager

DLB:kaj

Attachments

c:

Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Steven B. Buschor, Director of Parks and Recreation  
Rolanda B. Russell, Assistant City Manager for Community Development

CM03-00071

**CITY OF ROANOKE, VIRGINIA  
AGREEMENT WITH YMCA OF ROANOKE VALLEY, INC,  
PERTAINING TO JEFFERSON GYM**

THIS AGREEMENT, made at Roanoke, Virginia, this \_\_\_\_ day of \_\_\_\_\_, 2003, by and between the **CITY OF ROANOKE, VIRGINIA** (hereinafter referred to as "City"), and the **YMCA OF ROANOKE VALLEY, INC.** (hereinafter referred to as "YMCA").

WHEREAS, the YMCA is in need of a new facility to accommodate its expanding number of programs and to replace its current facility;

WHEREAS, the YMCA is a nonprofit organization as defined in Section 501(c)(3) of Title 26 of the United States Code;

WHEREAS, the YMCA has supplied and provided significant services to the citizens of the Roanoke Valley, including the City of Roanoke;

WHEREAS, in exchange for certain property (Official Tax Nos. 1113418 and 1113419), and upon completion of the construction of the new YMCA facility, the YMCA shall transfer to the City a portion of the property (Official Tax Nos. 1011206, 1011209 and 1011210) on which the current facility is located;

WHEREAS, the YMCA and the City have signed an Agreement dated December 24, 2002, for the exchange of such property; and

WHEREAS, the YMCA has expressed an interest in acquiring the property on which the Jefferson Gym is located, and the City has agreed to transfer such property under certain conditions, in connection with the construction of the new facility ("New YMCA").

THEREFORE, IN CONSIDERATION of the benefits which will accrue to the parties hereto by virtue of this Agreement and the respective covenants herein contained, it is mutually covenanted and agreed as follows:

**1. Term of Agreement:**

The rights and responsibilities of Paragraphs Nos. 4 of this Agreement shall commence on the 1st day of the month after the issuance of a permanent certificate of occupancy for the New YMCA, and continue for a period of fifteen (15) years ("Term of Agreement"). The rights and responsibilities of the remaining sections shall be completed as of the dates stated herein.

**2. Transfer of Real Estate from the City to the YMCA:**

On or before April 30, 2003 ("Closing Date"), the City will convey title for nominal consideration to the property described in the attached plat of subdivision (hereinafter "Property For YMCA") to the YMCA. The City shall not be obligated to prepare the Property For YMCA for use by the YMCA, and the YMCA agrees to accept such Property For YMCA in its "as is" condition.

**3. Exchange of Property For YMCA and Warranties:**

A. To effect the conveyance set forth in Paragraph No. 2, the YMCA shall record the deed and subdivision plat with the Clerk of the Circuit Court for the City of Roanoke.

B. Title to the Property For YMCA shall be conveyed by the City to the YMCA by quitclaim deed, in form acceptable to the YMCA, subject to any liens, covenants, conditions, restrictions, right-of-ways, easements, and encumbrances of public record or otherwise known to the YMCA.

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**4. Duties of YMCA:**

A. During each year of the Term of Agreement, the YMCA shall provide adequately trained and certified staff, resources and equipment to teach water safety and swimming to as many school children of the City of Roanoke under the age of fifteen (15) years as the Superintendent of Schools and the Director of the Parks and Recreation Department, or the Director's designee ("Director"), mutually agree to specify, up to a maximum of two thousand (2,000) school children per year. The

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number of staff provided by the YMCA shall be no less than is required to provide a ratio of 12:1 (students:teacher) for each class, and such classes shall be conducted at such times during the YMCA's normal operating hours as are reasonably convenient to the children being taught.

Participants may be referred to the YMCA by the Superintendent and Director, and participants will be placed by the YMCA in each of the levels of the YMCA's Learn to Swim program, or its successor program or programs, based on each participant's ability.

B. During each year of the Term of Agreement, the YMCA shall provide adequately trained and certified staff, resources and equipment to provide a Teen Personal Fitness Program to fifty (50) students of the School Board for the City of Roanoke ("School Board") between the ages of eleven (11) and eighteen (18) years for three (3) hours per week for a period of thirty-six (36) weeks at such times during the YMCA's normal operating hours as are reasonably convenient to the citizens being taught. The Teen Personal Fitness Program shall include topics such as conditioning, nutrition, diet, strength, stamina and flexibility. The first two weeks of the program shall require that a YMCA personal trainer analyze the physical education and health needs of the student and develop a personalized health education program to enhance the student's physical well being. Each student shall then be permitted to participate in the remainder of the 36 week health program at the New YMCA based on the program developed by a YMCA trainer. The YMCA shall conduct the program at no charge to the School Board or the City for the duration of this Agreement. The Director and the Superintendent shall agree upon the participants to be referred to the YMCA.

C. During each year of the Term of Agreement, the YMCA shall provide adequate space and staff oversight for activities sponsored by the Roanoke Youth Initiative Program, a program administered by the Roanoke City Parks and Recreation Department to advance the interests of young people in the City, for forty (40) hours per year on such dates and at such times as are

mutually agreeable between the YMCA and the City. During the Term of Agreement, a ranking staff member of the YMCA shall serve on the Roanoke Youth Initiative Steering Committee.

D. The YMCA shall provide the School Board with a minimum of 400 hours of time to use the gymnasium at either the New YMCA or the current YMCA facility on an annual basis. Neither the School Board nor the City shall be charged for any of the operational costs of using either gymnasium, and the YMCA shall be responsible for all maintenance of both of the gymnasiums. The use of either gymnasium shall be primarily during the weekday mornings, subject to the mutual agreement of the YMCA and the School Board.

E. For purposes of this paragraph, a person shall be considered a citizen of the City of Roanoke if a copy of an electric bill, personal property tax bill, or other similar indicia of residency acceptable to the Director and the Executive Director for the YMCA demonstrates that the parent, parents, guardian or guardians of such person lives within the City of Roanoke. A person under the age of nineteen (19) shall be considered to be a student of the Roanoke City Public Schools if properly enrolled on the school district's records. If at any time a student is not a citizen of the City of Roanoke, preference for any program covered by this Agreement shall be given to citizens who are students of the Roanoke City Public Schools.

F. While persons who are not residents of the City of Roanoke are eligible to participate in the programs identified in this paragraph, individuals who are citizens of the City of Roanoke shall have at least ten (10) business days within which to sign up for such programs before non-residents are permitted to do so.

G. Membership at the YMCA shall not be a prerequisite for enrollment in any of the above-referenced programs for any citizen of the City of Roanoke referred to the YMCA by the Director, and such programs shall be provided free of charge to eligible citizens in accordance with the terms of this Agreement.

H. The YMCA shall promote the programs described in this paragraph as it promotes its programs offered to the community at large. The City of Roanoke shall be entitled to, but shall not be required to, promote the programs described in this paragraph.

I. The YMCA shall maintain records pertaining to enrollment and attendance for the programs described in Paragraphs 4.A., and 4.B., above, and such records shall be available for inspection by the Director during reasonable business hours of the YMCA with forty-eight hours notice by the Director.

J. Failure by the YMCA to fulfill its obligations under Paragraph No. 4 for any reason shall authorize the Director to notify the YMCA, in writing, of each duty which the YMCA has failed to fulfill and to give the YMCA fourteen (14) calendars days to cure the breach. Failure by the YMCA to do so shall be grounds for the City to initiate a similar program at an alternative location. The YMCA shall reimburse the City for any reasonable direct, out-of-pocket, expenses incurred by the City in establishing and maintaining such alternative program or programs within fifteen (15) days of receipt of an invoice for such expenses from the City Manager for the City, or the City Manager's designee. Waiver by the City of any breach by the YMCA under this paragraph shall not be a waiver of any of its rights under this Agreement.

K. In utilizing the Property For YMCA, the gymnasium of the current YMCA facility, or any other facility owned by the YMCA, the City and the School Board shall not permit any part thereof to be used in (a) any trade or business, as such term is used in Section 141(b)(6) of the Internal Revenue Code of 1986, as amended (the "Code"), of any person other than the City, the School Board for the City of Roanoke, or any organization described in Section 501(c)(3) of the Code and exempt from tax under Section 501(a) of the Code (a "501(c)(3) organization") or (b) an unrelated trade or business (determined by applying Section 513(a) of the Code) of any 501(c)(3) organization.

**5. Reversion of Property to the City:**

In the event the YMCA does not commence or complete construction of the new YMCA referenced in, and in accordance with the terms of the Agreement dated December 24, 2002, between the City and the YMCA after title to the Property For YMCA has been transferred from the City to the YMCA, the YMCA shall convey title of, and all improvements to, the Property For YMCA back to the City within thirty (30) calendar days of the Second Closing Date as that term is used in the Agreement dated December 24, 2002, between the YMCA and the City, with such warranties as are set forth in Paragraph No. 7 of the Agreement dated December 24, 2002, between the YMCA and the City.

**6. Insurance and Maintenance:**

The City assumes no duty to insure the Property For YMCA for any loss or liability at any time, and the YMCA assumes no duty to insure the Property For YMCA for any loss or liability until the Closing Date. In addition, the parties agree that the maintenance of the Property For YMCA, including repairs and payment of utilities, shall be the sole responsibility of the party holding legal title to the property.

**7. Closing Date:**

A. The transfer of the Property For YMCA shall occur at 10:00 a.m. on or before the Closing Date, in the Office of the City Attorney, or at such other location and time as shall be approved by the City and the YMCA.

B. On the Closing Date, the City shall deliver or cause to be delivered to the YMCA the following documents:

- (1) Its duly executed and acknowledged special warranty deed conveying to the YMCA the Property For YMCA;
- (2) Such evidence and documents including, without limitation, a certified copy of the ordinance adopted by the City, as may reasonably be required by the

title company selected by the YMCA, evidencing the authority of the person(s) executing the various documents on behalf of the City in connection with its sale of the Property For YMCA;

- (3) A duly executed counterpart of a Closing Statement;
- (4) Any other items required to be delivered pursuant to this Agreement, and any other documents or Agreements referred to in this Agreement.

C. With respect to the Property For YMCA, the YMCA shall pay for: (i) the cost of all investigations of the Property For YMCA including, but not limited to, examination of title and title insurance premiums for issuance of the Title Policy; (ii) all attorney's fees and expenses incurred by legal counsel to YMCA; and (iii) any Grantee's tax and recording costs required to be paid in connection with the recording of the deed or subdivision plat. The City shall pay the Grantor's tax, if any, and the expenses of legal counsel for the City, if any. The City shall deliver possession of the Property For YMCA to the YMCA on the Closing Date, subject to the provisions of this Agreement.

**8. Operation of New YMCA:**

During the term of this Agreement, the YMCA shall not request that the City provide funding of any type or amount for the operation of the new YMCA facility (e.g. utilities, maintenance, staffing) and will not accept any such funds from the City. This Agreement does not preclude the YMCA from applying for or accepting funds for specific program purposes.

**9. Severability:**

If any term of this Agreement is found to be void or invalid, such invalidity shall not affect the remaining terms of this Agreement, which shall continue in full force and effect.

**10. Applicable Law:**

By virtue of entering into this Agreement, the parties agree to submit themselves to a court of competent jurisdiction in the City of Roanoke, Virginia, and they further agree that this Agreement is controlled by the laws of the Commonwealth of Virginia and that all claims, disputes, and other

matters shall be decided only by such court according to the laws of the Commonwealth of Virginia.

**11. Cooperation:**

Each party agrees to cooperate with the other in executing any documents or taking appropriate action necessary to carry out the intent and purpose of this Agreement.

**12. Headings:**

The paragraph headings in this Agreement are for convenience and reference purposes only and shall not affect in any way the meaning and interpretation of this Agreement.

**13. Notice:**

Notice under this Agreement shall be sent, in writing, by certified mail to the following persons:

If to the City:                      City Manager  
   Room 364 Municipal Building  
   215 Church Avenue, S.W.  
   Roanoke, Virginia 24011

If to the YMCA:                      Executive Director  
   425 Church Avenue, S.W.  
   Roanoke, Virginia 24016

Notice shall be effective upon receipt.

**14. Entire Agreement; Amendment of Agreement; No Third Party Beneficiaries:**

A.      This Agreement constitutes the complete understanding between the City and YMCA.

All the terms and conditions of this Agreement shall be binding upon the City and the YMCA, their heirs, successors, or assigns, and cannot be modified by any oral representation or promise of any agent or other representative of either the City or the YMCA.

B.      This Agreement may be modified only by written agreement properly executed by the parties.

C.      The provisions of this Agreement are for the exclusive benefit of the parties hereto

and not for the benefit of any third person, nor shall this Agreement be deemed to have conferred any rights, express or implied, upon any third person unless otherwise expressly provided for herein.

**15. Subordination of City's Rights:**

If the Property For YMCA should be required to be transferred back to the City pursuant to the terms of this Agreement, the Property For YMCA shall be transferred subject to any then existing deed of trust on the Property For YMCA or any portion thereof. If, after the transfer back to the City, SunTrust Bank or its successor in interest as the holder of an obligation secured by such a deed of trust ("SunTrust") should so request in a writing delivered to the City, the City shall permit SunTrust to enter upon the Property For YMCA and complete the construction of the building proposed to be constructed hereon. Upon the reasonable request of SunTrust made at any time, the City shall enter into a subordination or similar agreement, in recordable form, evidencing rights of SunTrust.

**16. Survival of Terms of Agreement:**

The representations and warranties set for in this Agreement, including Paragraph No. 4 of the Agreement, shall survive the deed and subdivision plat recorded with the Clerk of the Circuit Court for the City of Roanoke pursuant to this Agreement.

**IN WITNESS WHEREOF** the parties hereto executed this Agreement by the following signature of their authorized representatives.

ATTEST:

**CITY OF ROANOKE:**

\_\_\_\_\_  
Mary F. Parker, City Clerk

By \_\_\_\_\_  
Darlene L. Burcham, City Manager

ATTEST:

**YMCA OF ROANOKE VALLEY, INC.**

\_\_\_\_\_  
Secretary

By \_\_\_\_\_  
J. W. Kirk, III, President, Board of Directors

Approved as to form:

\_\_\_\_\_  
Assistant City Attorney

Certified as to Funds Available:

Director of Finance

Account No. \_\_\_\_\_

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

Approved as to execution:

\_\_\_\_\_  
Assistant City Attorney



Gloria P. Manns, Chairman  
Ruth C. Willson, Vice Chairman  
F. B. Webster Day

Marsha W. Ellison  
William H. Lindsey  
Melinda J. Payne

Robert J. Sparrow  
E. Wayne Harris, Ed.D., Superintendent  
Cindy H. Lee, Clerk of the Board

Roanoke  
City School Board P.O. Box 13145, Roanoke, Virginia 24031 • 540-853-2381 • Fax: 540-853-2951

April 15, 2003

**RESOLUTION RELATING TO THE JEFFERSON GYMNASIUM AND THE SCHOOL BOARD'S DECLARATION THAT IT IS NO LONGER NEEDED FOR SCHOOL PURPOSES UNDER CERTAIN TERMS AND CONDITIONS.**

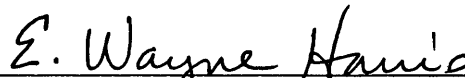
WHEREAS, the School Board of the City of Roanoke is a party to a lease agreement with the City of Roanoke ("City"), both as lessors, and the YMCA of Roanoke Valley, Inc. ("YMCA"), as lessee, with regard to the Jefferson Gymnasium; and

WHEREAS, the YMCA is interested in acquiring the property on which the Jefferson Gymnasium is located in exchange for other property following construction of a new YMCA facility and the City is interested in exchanging the property; and

WHEREAS, the School Board of the City of Roanoke makes some limited use of the Jefferson Gymnasium, which use the YMCA has agreed to continue as shown in paragraph 4(D) of the attached draft agreement; and

WHEREAS, if the YMCA fails to comply with the provisions of paragraph 4(D), it must reimburse the City and the School Board for reasonable expenses of a similar program in an alternative location according to the provisions of paragraph 4(J) of the draft agreement;

THEREFORE BE IT RESOLVED, upon the condition that provisions with regard to School Board use of the YMCA's gymnasium(s), similar to those included in the draft agreement between the City and the YMCA, are included in the final agreement between the City and the YMCA, that the School Board hereby notifies City Council of the City of Roanoke of its declaration that the Jefferson Gymnasium is no longer needed for school purposes effective the date of this resolution and the site is hereby returned to the City.

  
E. Wayne Harris, Ed.D., Superintendent

  
Gloria P. Manns, Chairman

## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the City Manager to execute an agreement, deed and any related and necessary documents providing for the conveyance of City-owned property located at 540 Church Avenue and, S.W., bearing Official Tax No. 1113414, to the YMCA of Roanoke Valley, Inc., upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

WHEREAS, a public hearing was held on April 21, 2003, pursuant to §§15.2-1800(B) and 15.2-1813, Code of Virginia (1950), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on said conveyance.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. The City Manager and the City Clerk are hereby authorized, for and on behalf of the City, to execute and attest, respectively, an agreement, deed and any related and necessary documents providing for the conveyance of City-owned property located at 540 Church Avenue, S.W., bearing Official Tax No. 1113414, to the YMCA of Roanoke Valley, Inc., upon the terms and conditions set forth in the City Manager's letter to this Council dated April 21, 2003.
2. All documents necessary for this conveyance shall be in form approved by the City Attorney.
3. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



# CITY OF ROANOKE

## PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166  
 Roanoke, Virginia 24011  
 Telephone: (540) 853-1730 Fax: (540) 853-1230  
 E-mail: [planning@ci.roanoke.va.us](mailto:planning@ci.roanoke.va.us)

Architectural Review Board  
 Board of Zoning Appeals  
 Planning Commission

April 21, 2003

Honorable Ralph K. Smith, Mayor  
 Honorable C. Nelson Harris, Vice Mayor  
 Honorable William H. Carder, Council Member  
 Honorable M. Rupert Cutler, Council Member  
 Honorable Alfred T. Dowe, Jr., Council Member  
 Honorable William D. Bestpitch, Council Member  
 Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Adoption of the *Urban Forestry Plan* as an element of ***Vision 2001-2020***, the City's comprehensive plan.

### Planning Commission Action:

Planning Commission public hearing was held on Thursday, March 20, 2003. By a vote of 7-0, the Commission recommended the plan, as amended, be adopted as an element of ***Vision 2001-2020***.

### Background:

In 2002, the City Manager appointed the Urban Forestry Task Force made up of representatives of professional, environmental, and neighborhood interests. Two City Council members also served on the task force. The task force was charged with developing a plan to guide management of Roanoke's urban forest to the maximum benefit of its residents, its environment, and its economy.

At the Planning Commission public hearing, Mr. Dan Henry, Urban Forester, presented the proposed plan which reflected modifications responding to various public input, and responded to questions from commissioners. Mr. Carl Cooper, co-chair of the Urban Forestry Task Force, spoke in support of the plan.

Mr. Bill Tanger expressed concern about underground utilities, VDOT standards, disturbing existing forests, parking lots and permeable surfaces. Mr. Tanger also expressed concern about the flood reduction project and recommended planting trees in the areas that will be covered with rip rap.

Ms. Barbara Duerk expressed concern about the clearing of trees as part of the stormwater improvements along the river and the clearing trees on steep slopes. Ms. Liz Belcher, Regional Greenways Coordinator, expressed concern about funding for trees along greenways.

Mr. Henry noted that many comments previously received had been addressed in changes made to the proposed draft of the plan. Charles Blankenship, representing the Urban Forestry Task Force, said that the plan focuses on increasing and maintaining tree canopy coverage.

Commissioners proposed and adopted several additional amendments to the plan's policies and actions as follows:

Page 4, City Parks and Lands, TP P2, adding the following statement: "Where appropriate, trees at City parks may be considered for replacement or removal so long as the Parks and Recreation Department first develops a tree replacement plan detailing with species, time of planting, and location, so replacement trees are sufficient to insure no net loss of park tree canopy."

Page 4, Identification/Prioritization, TP A2, adding the following statement: "The impact on alternative transportation will be considered in prioritizing streets and corridors on which street trees are planted."

Page 4, Identification/Prioritization, TP A4, adding the new action: "Should VDOT propose the use of sound barriers along existing or future highways in the City, the City will encourage VDOT to use appropriate trees instead."

Page 6, Management, PT A12, adding the new action: "Endeavor to get the Corps of Engineers to approve the planting of trees along the Roanoke River." (within the area of the flood reduction project).

The Planning Commission's amendments, as well as those changes reflecting various public input, are included in the March 20, 2003 version of the document attached to this report.

### **Considerations:**

The *Urban Forestry Plan* recommendations are organized into three categories: (1) public tree planting, (2) public tree management, and (3) trees on private land. Each category has recommended policies and actions. Major recommendations are to:

- Increase Roanoke's tree canopy coverage to from 32% to 40%
- Reverse the net loss of public trees
- Target corridors and gateways for tree planting
- Increase neighborhood tree planting
- Encourage private tree planting

- Improve overall management of the urban forest

**Vision 2001-2020** has numerous recommendations relating to the importance of creating and retaining the urban forest. Some specific recommendations include:

- EC P5. Roanoke will maintain and increase its tree canopy coverage as a way to improve air quality. Roanoke will work regionally to promote tree planning and tree preservation Valley wide.
- IN A4 Expand the urban forestry program to increase the number of street trees planted and replaced.

*Vision 2001-2020* further states that:

"Trees and other vegetation represent both an environmental resource and an important landscape feature in the quality of life in the City. Maintaining and increasing the City's tree canopy will have a beneficial impact on air quality, storm water control, noise levels, temperature, and visual appearance. Additional initiatives could include a tree replacement policy when trees must be removed for site development. Regional efforts to preserve trees in the Valley would be beneficial to the entire community."

The *Urban Forestry Plan* is the next step in developing the general ideas and policies of the **Vision 2001-2020**. The Urban Forestry Plan has more specific policies and actions for improving the appearance, environment, and overall livability of Roanoke through improved management of the urban forest. The plan contains several recommendations that could be implemented through zoning. Planning staff has been reviewing these recommendations as part of the zoning ordinance update process.

**Recommendation:**

Planning Commission, by a vote of 7-0, recommends adoption of the *Urban Forestry Plan*, dated March 20, 2003, as an element of **Vision 2001-2020**, the City's comprehensive plan.

Respectfully submitted,



Robert B. Manetta, Chairman  
City Planning Commission

Attachment

cc: Darlene L. Burcham, City Manager  
Rolanda Russell, Assistant City Manager for Community Development  
William M. Hackworth, City Attorney  
Steven J. Talevi, Assistant City Attorney  
Steven Buschor, Director of Parks and Recreation

IN THE PLANNING COMMISSION OF THE CITY OF ROANOKE, VIRGINIA

This 20th day of March, 2003

A RESOLUTION recommending the adoption of the Urban Forestry Plan as an element of the City's Comprehensive Plan.

WHEREAS, staff from Parks and Recreation Department and the Urban Forestry Task Force have met over a series of months to develop a plan aimed at protecting and expanding the City's tree canopy;

WHEREAS, the draft plan has been reviewed by the Long Range Planning Committee of the City of Roanoke Planning Commission; and

WHEREAS, the Urban Forestry Plan has been advertised in accordance with Section 15.2-2204 of the Code of Virginia (1950), as amended, and pursuant to that notice, a public hearing was held on March 20, 2003, at which all persons having an interest in the matter were given a chance to be heard.

BE IT RESOLVED by the Planning Commission of the City of Roanoke that it recommends to City Council that the Urban Forestry Plan, dated March 20, 2003, be adopted as an element of the City's Comprehensive Plan, and that by signature of its Chairman below, the Planning Commission hereby certifies the attached copy of the plan to City Council.

ATTEST:

*Robert B. Manetta*

Chairman

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE approving the Urban Forestry Plan, and amending Vision 2001 - 2020, the City's Comprehensive Plan, to include the Urban Forestry Plan; and dispensing with the second reading of this ordinance by title.

WHEREAS, the Urban Forestry Plan (the "Plan") was presented to the Planning Commission;

WHEREAS, the Planning Commission held a public hearing on March 20, 2003, and recommended adoption of the Plan and amending Vision 2001 - 2020, the City's Comprehensive Plan (the "Comprehensive Plan"), to include such Plan; and

WHEREAS, in accordance with the provisions of §15.2-2204, Code of Virginia (1950), as amended, a public hearing was held before this Council on Monday, April 21, 2003, on the proposed Plan, at which hearing all citizens so desiring were given an opportunity to be heard and to present their views on such amendment.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. That this Council hereby approves the Urban Forestry Plan and amends Vision 2001 - 2020, the City's Comprehensive Plan, to include the Urban Forestry Plan as an element thereof.
2. That the City Clerk is directed to forthwith transmit attested copies of this ordinance to the City Planning Commission.

3. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



## **CITY OF ROANOKE OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364  
Roanoke, Virginia 24011-1591  
Telephone: (540) 853-2333  
Fax: (540) 853-1138  
CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

April 21, 2003

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable William H. Carder, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

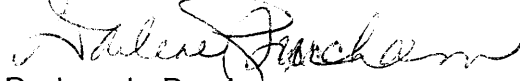
Subject: Extension of Cable Television  
Franchise Agreement with  
CoxCom, Inc., d/b/a Cox  
Communications Roanoke

The City of Roanoke, Virginia granted a non-exclusive Cable Television Franchise to Cox Cable Roanoke, Inc., predecessor in interest to CoxCom, Inc. d/b/a Cox Communications Roanoke (Cox) by Ordinance No. 30479-42291, adopted April 22, 1991. The Franchise was embodied in a Cable Television Franchise Agreement between the City and Cox dated May 1, 1991, and is scheduled to expire April 30, 2003. Similar agreements were entered into among Cox and the County of Roanoke and Town of Vinton. Representatives from the three jurisdictions and Cox have been negotiating the terms and conditions of a renewal of the Franchise Agreement.

While there have been productive meetings among the staff of the three jurisdictions and Cox, additional meetings and revisions of the documents are needed in order to reach a final set of documents that can be recommended to City Council, the Roanoke County Board of Supervisors, and Vinton Town Council. Therefore, it is in everyone's best interest to extend the current Franchise Agreement with Cox for a period of six months in order to complete the negotiation process. Accordingly, it is recommended that Council adopt an ordinance extending the current Franchise

Agreement between the City and Cox for a period of six months which will expire on October 31, 2003, or until a renewal Franchise is executed and approved, whichever occurs first.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Darlene L. Burcham", written over the typed name.

Darlene L. Burcham  
City Manager

DLB/GET/lsc

Attachment

c: Jesse A. Hall, Director of Finance  
Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney

CM03-00070

## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE extending the term of a certain Cable Television Franchise Agreement, dated May 1, 1991, between the City and CoxCom, Inc. d/b/a Cox Communications Roanoke, upon certain terms and conditions; and dispensing with the second reading by title paragraph of this ordinance.

WHEREAS, by Ordinance No. 30479-42291, adopted April 22, 1991, the City of Roanoke, Virginia (the "City"), granted a non-exclusive cable franchise (the "Franchise") to Cox Cable Roanoke, Inc., predecessor-in-interest to CoxCom, Inc. d/b/a Cox Communications Roanoke ("Cox"), such Franchise being embodied in a Cable Television Franchise Agreement by and between the City and Cox, dated as of May 1, 1991 ("Franchise Agreement");

WHEREAS, the term of the Franchise is scheduled to expire on April 30, 2003;

WHEREAS, both the City and Cox wish to extend the term of the Franchise to allow adequate time to provide for the proper and thoughtful consideration and negotiation of the terms and conditions of a possible renewal of the Franchise;

WHEREAS, Cox has agreed to continue to negotiate with the City in good faith for the renewal of the Franchise;

WHEREAS, the City and Cox agree that as a result of agreeing to extend the term of the Franchise, neither party shall be deemed to have waived any of its rights, claims, or

obligations under Section 626 of the Federal Communications Act (47 U.S.C. § 546), nor any of its rights, claims, or obligations under the Franchise Agreement; and

WHEREAS, in accordance with the above, the City is willing to grant a six (6) month extension of the current Franchise term, with the current terms and conditions of the Franchise Agreement continuing in full force and effect, which extension will expire on October 31, 2003, or until a renewal Franchise is executed and approved, whichever occurs first.

THEREFORE, BE IT ORDAINED by the City Council of the City Roanoke as follows:

1. That the term of the Franchise Agreement be extended for six (6) months, to and including October 31, 2003, or until a renewed Franchise is executed and approved, whichever occurs first, with all of the other terms and conditions of the Franchise Agreement remaining in full force and effect during the extension period.

2. Pursuant to §12 of the Roanoke City Charter, the second reading of this ordinance by title paragraph is hereby dispensed with.

ATTEST:

City Clerk.

**ACCEPTED, AGREED TO and EXECUTED** by the undersigned this  
\_\_\_\_\_ day of \_\_\_\_\_, 2003.

**ATTEST:**

\_\_\_\_\_  
Secretary

**CoxCom, Inc. d/b/a Cox Communications  
Roanoke**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_



**CITY OF ROANOKE**  
**PLANNING BUILDING AND DEVELOPMENT**

215 Church Avenue, S.W., Room 166  
 Roanoke, Virginia 24011  
 Telephone: (540) 853-1730 Fax: (540) 853-1230  
 E-mail: [planning@ci.roanoke.va.us](mailto:planning@ci.roanoke.va.us)

Architectural Review Board  
 Board of Zoning Appeals  
 Planning Commission

April 21, 2003

Honorable Ralph K. Smith, Mayor  
 Honorable C. Nelson Harris, Vice Mayor  
 Honorable William H. Carder, Council Member  
 Honorable M. Rupert Cutler, Council Member  
 Honorable Alfred T. Dowe, Jr., Council Member  
 Honorable William D. Bestpitch, Council Member  
 Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Amending Section 36.1-690, General authority and procedure, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended ("City Code"), to provide for reconsideration by City Council of a petition to rezone pursuant to Rule 10 of Section 2-15, Rules of procedure, of the City Code.

Planning Commission Action:

Planning Commission public hearing was held on Thursday, March 20, 2003. By a vote of 7-0, the Commission recommended approval of the amendment.

Background:

This proposed amendment eliminates a perceived conflict between a procedural section of the zoning ordinance and the rules of procedure of City Council as set forth in the City Code.

Rule 10, Reconsideration of questions, of Section 2-15, Rules of procedure, of the City Code, provides that any member of City Council voting with the majority on a question may move for a reconsideration of the question at the same meeting or a succeeding meeting. Section 36.1-690(i) of the City Code provides that having once considered a petition to rezone, City Council may not reconsider substantially the same petition for one year. A recent decision by a circuit court judge in the City of Roanoke invalidated City Council's reconsideration pursuant to Rule 10 of a rezoning petition. In setting aside City Council's unanimous decision to grant the petition, the judge ruled that such a reconsideration was prohibited for one year by Section 36.1-690(i) of the City Code.

Considerations:

The proposed amendment will permit reconsideration by City Council of any rezoning petition, as long as such reconsideration occurs pursuant to Rule 10 of Section 2-15, Rules of procedure, of the City Code.

Recommendation:

By a vote of 7-0, the Planning Commission recommended the adoption of the proposed amendment to Section 36.1-690(i) of the City Code.

Respectfully submitted,

A handwritten signature in black ink, reading "Robert B. Manetta". The signature is fluid and cursive, with a long horizontal stroke at the end.

Robert B. Manetta, Chairman <sup>PST</sup>  
Roanoke City Planning Commission

attachment

cc: Darlene L. Burcham, City Manager  
Rolanda Russell, Assistant City Manager for Community Development  
William M. Hackworth, City Attorney  
Steven J. Talevi, Assistant City Attorney

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending and reordaining §36.1-690, General authority and procedure, of Division 5, Amendments, of Article VII, Administration, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, to provide for reconsideration by City Council of a petition under Rule 10 of Section 2-15, Rules of procedure; and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Section 36.1-690, General authority and procedure, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, is hereby amended and reordained to read and provide as follows:

Sec. 36.1-690. General authority and procedure.

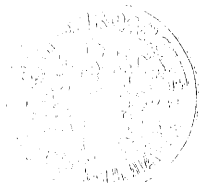
\* \* \*

(i) ~~Having~~ Once City Council has considered a petition, the city council petitioner ~~will~~ may not reconsider request reconsideration of substantially the same petition for one (1) year. *Nothing in this section shall be construed to limit City Council's ability to reconsider a petition under Rule 10 of §2-15, Rules of procedure.*

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



## **CITY OF ROANOKE OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364  
Roanoke, Virginia 24011-1591

Telephone: (540) 853-2333

Fax: (540) 853-1138

CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

April 21, 2003

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable William H. Carder, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Vacation of Sewer Easement – Hidden Oak  
Road, SW -Tax Map Nos. 5050220,  
5050221, & 5050222

The owners of property located on Hidden Oak Road, SW, identified by Tax Map Nos. 5050220, 5050221, & 5050222 have requested that the City vacate the sanitary sewer easement. Baron Enterprises of Virginia, Inc., owner of lots 1 and 2, and James & Carol Sexton, owners of lot 3, have requested the vacation as the existing sewer easement will interfere with the development of the parcels. Attached is a plat showing the easement to be vacated. The subject easement is no longer needed since the sanitary sewer located in this easement has been relocated to the public street right-of-way of Hidden Oak Road, SW. The plat has been reviewed by and is acceptable to the City Engineer.

Recommended Action(s):

Following a public hearing, authorize the City Manager to execute the appropriate documents vacating the existing sewer easement. The owners of the property will be responsible for preparation of all necessary documents, approved as to form by the City Attorney.

Respectfully submitted,

A handwritten signature in cursive script, reading "Darlene L. Burcham".

Darlene L. Burcham  
City Manager

DLB/sef

## Attachment

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Philip C. Schirmer, City Engineer  
Pam Chitwood, Baron Enterprises of Virginia, Inc.  
James & Carol Sexton, 3129 Hidden Oak Road, SW

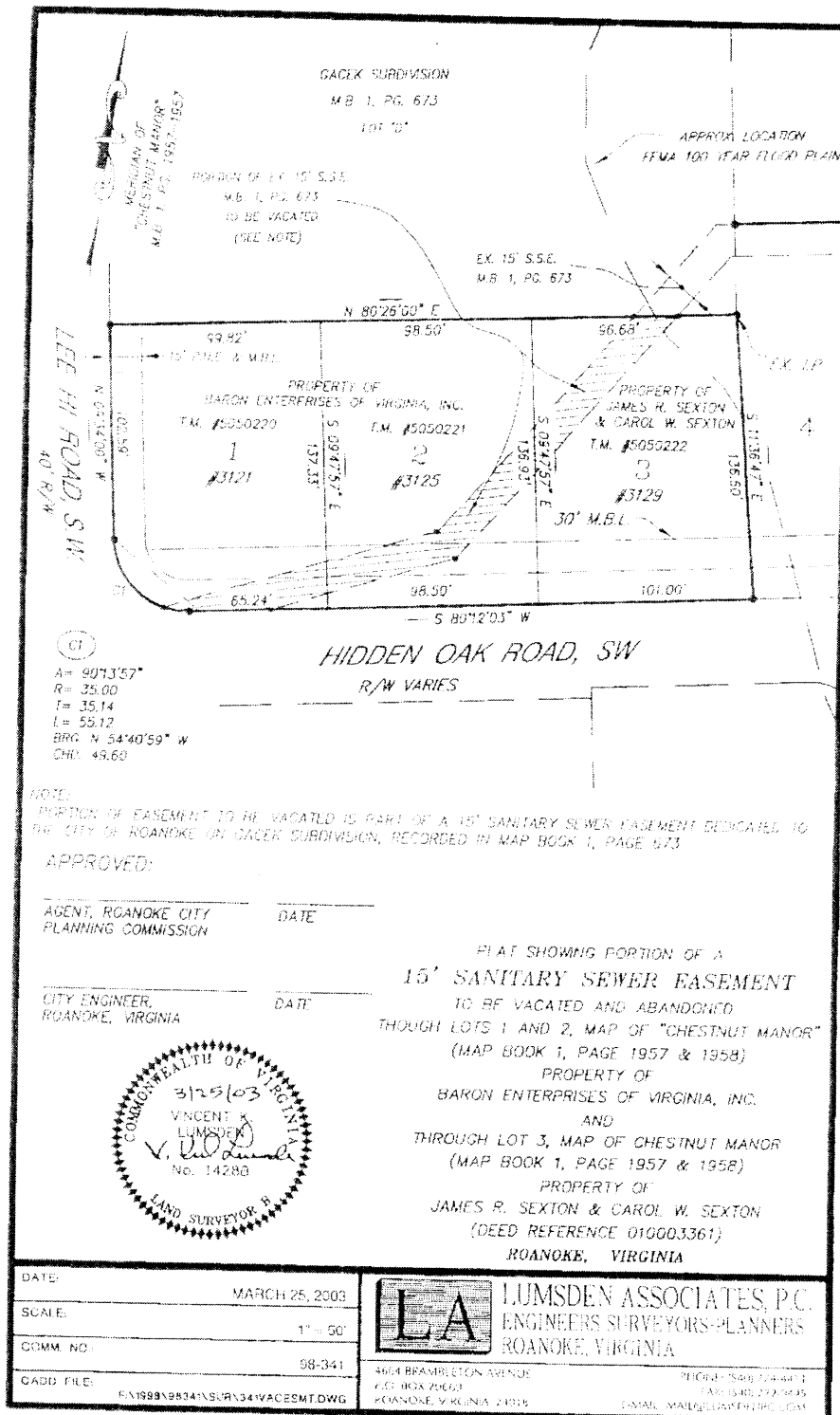
#CM03-00054

MAP BOOK 001-120000

LUMSDEN ASSOCIATES

540-777-8445

P.L.P.



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing vacation of a sanitary sewer easement across property identified by Official Tax Nos. 5050220, 5050221, and 5050222, and more commonly known as 3121, 3125 and 3129 Hidden Oak Road, S.W., upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

WHEREAS, a public hearing was held on April 21, 2003, pursuant to §§15.2-1800(B) and 15.2-1813, Code of Virginia (1950), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on said conveyance.

BE IT ORDAINED by the Council of the City of Roanoke that:

1. The City Manager and City Clerk are hereby authorized to execute and attest, respectively, in form approved by the City Attorney, the necessary documents to vacate a sanitary sewer easement across property identified by Official Tax Nos. 5050220, 5050221, and 5050222, and more commonly known as 3121, 3125 and 3129 Hidden Oak Road, S.W., as more fully described in a letter of the City Manager to City Council dated April 21, 2003.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.